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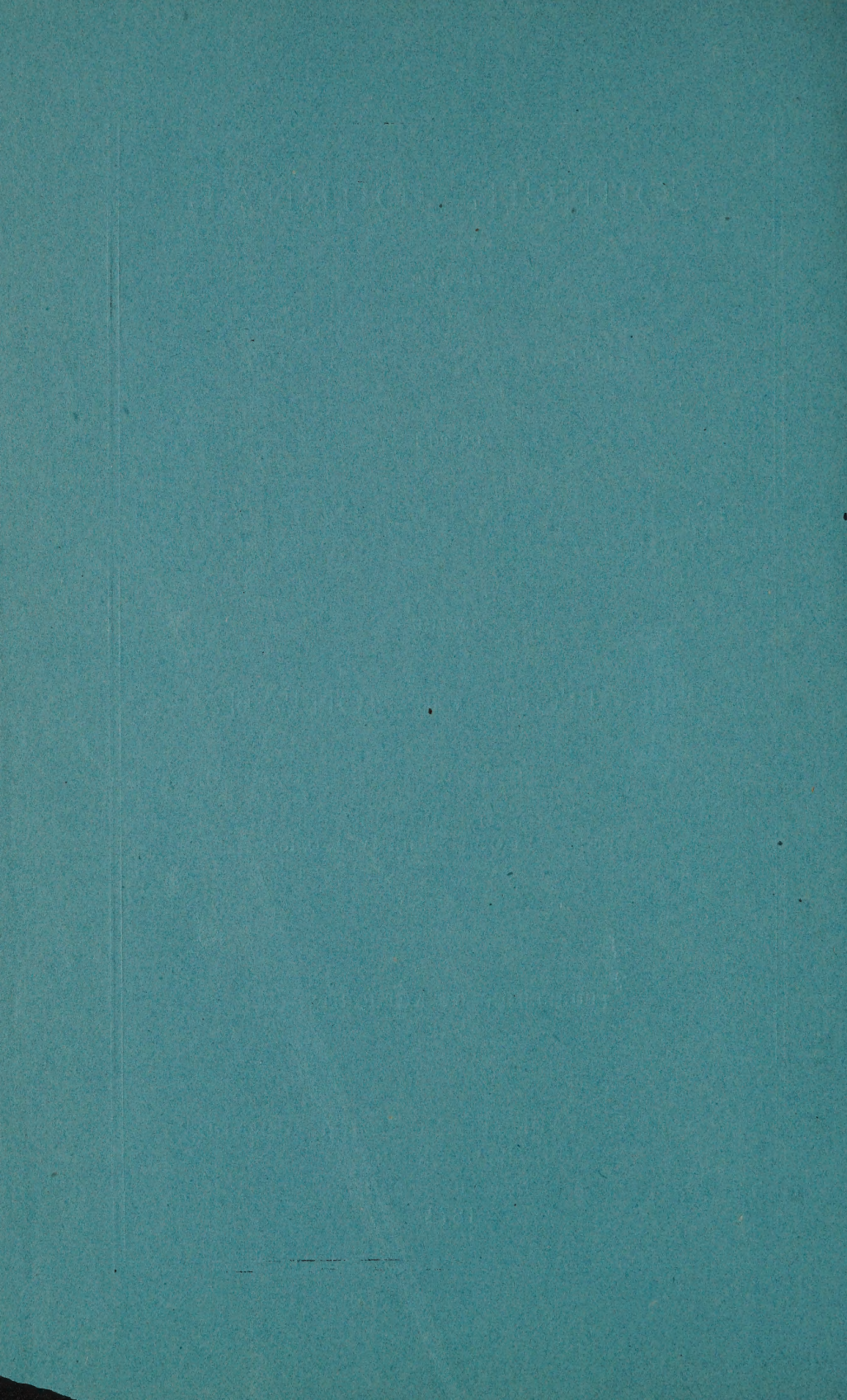
OF THE  
EIGHTH SESSION  
OF THE  
LEGISLATIVE ASSEMBLY  
OF THE  
TERRITORY OF MONTANA,  
BEGUN AND HELD AT THE CITY OF VIRGINIA, THE CAPITAL  
OF SAID TERRITORY, ON THE FIFTH DAY OF JANUARY  
A. D. 1874, AND CONCLUDED ON THE THIR-  
TEENTH DAY OF FEBRUARY, A. D. 1874.

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PUBLISHED BY AUTHORITY.

“HELENA WEEKLY AND DAILY HERALD,”  
HELENA, MONTANA.  
R. E. FISK, PUBLIC PRINTER.  
1874.





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# COUNCIL JOURNAL

OF THE

## EIGHTH SESSION

OF THE

# LEGISLATIVE ASSEMBLY

OF THE

## TERRITORY OF MONTANA,

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DAY, EGBERT, & FIDLAR,  
MANUFACTURERS,  
DAVENPORT, IOWA.

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## MEMBERS OF THE COUNCIL.

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G. W. STAPLETON, *President*.  
R. E. ARICK.  
O. B. BARBER.  
A. H. BEATTIE.  
CHAS. COOPER.  
W. B. DANCE.  
J. J. DAVIS.

OWEN GARRIGAN.  
L. R. MAILLET.  
D. P. NEWCOMER.  
JAMES STUART.  
J. C. WALKER.  
E. T. YAGER.

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A. M. S. CARPENTER, *Chief Clerk*.  
ROBERT W. HILL, *Assistant Clerk*.  
T. E. COLLINS, *Engrossing Clerk*.  
W. B. MORRISON, *Enrolling Clerk*.

J. E. ALLEN, *Sergeant-at-Arms*.  
J. M. CASTNER, *Door-Keeper*.  
S. T. FULKERSON, *Watchman*.

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## MEMBERS OF THE HOUSE OF REPRESENTATIVES.

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J. H. ROGERS, *Speaker*.  
E. D. AIKEN.  
J. A. ALGER.  
J. M. ARNOUX.  
J. A. BROWN.  
ALEX. CARMICHAEL.  
W. A. CHESSMAN.  
GEO. S. COLEMAN.  
OTIS CURTIS.  
A. DUSOLD.  
ISAAC DEAN.  
R. K. EMERSON.  
BENJ. EZEKIEL.

J. W. HARTWELL.  
C. L. HARRINGTON.  
F. GEORGE HELDT.  
JAMES KENNEDY.  
J. C. KERLEY.  
SAMUEL MALLORY.  
CHRISTIAN MEAD.  
G. W. McCAULEY.  
W. F. SANDERS.  
C. C. O'KEEFE.  
J. S. STAFFORD.  
C. W. SUTTON.  
C. M. TATE.

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A. H. BARRETT, *Chief Clerk*.  
W. W. CHAPMAN, *Assistant Clerk*.  
E. P. OWENS, *Engrossing Clerk*.  
S. HUGHES, *Enrolling Clerk*.

GEO. BROFFY, *Sergeant-at-Arms*.  
GEO. LINDER, *Door-Keeper*.  
M. MALONEY, *Watchman*.

## FEDERAL OFFICERS.

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### GOVERNOR.

BENJ. F. POTTS,       -       -       -       -       -       VIRGINIA CITY.

### SECRETARY.

JAMES E. CALLAWAY,       -       -       -       -       -       VIRGINIA CITY.

### JUDICIARY.

1st District—F. G. SERVICE,       *Associate Justice*, VIRGINIA CITY.

2d District—HIRAM KNOWLES,       *Associate Justice*, DEER LODGE.

3d District—D. S. WADE,       *Chief Justice*, -       HELENA.

### U. S. DISTRICT ATTORNEY.

M. C. PAGE,       -       -       -       -       -       RADERSBURG.

### U. S. MARSHAL.

W. F. WHEELER,       -       -       -       -       -       HELENA.

### COLLECTOR OF CUSTOMS.

T. C. CUMMINGS,       -       -       -       -       -       HELENA.

### SURVEYOR GENERAL.

A. J. SMITH,       -       -       -       -       -       HELENA.

### COLLECTOR AND ASSESSOR OF INTERNAL REVENUE.

T. P. FULLER,       -       -       -       -       -       HELENA.

### REGISTER OF LAND OFFICE.

W. C. CHILD,       -       -       -       -       -       HELENA.

### RECEIVER OF PUBLIC MONEYS.

SOL. STAR,       -       -       -       -       -       HELENA.

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## TERRITORIAL OFFICERS.

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### AUDITOR.

GEO. CALLAWAY,       -       -       -       -       -       VIRGINIA CITY.

### TREASURER.

RICH. O. HICKMAN,       -       -       -       -       -       VIRGINIA CITY.

### SUPERINTENDENT OF PUBLIC INSTRUCTION.

CORNELIUS HEDGES,       -       -       -       -       -       HELENA.



# EIGHTH LEGISLATIVE ASSEMBLY.

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## COUNCIL JOURNAL.

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### FIRST DAY.

COUNCIL CHAMBER, VIRGINIA CITY, M. T., }  
January 5, 1874. }

At the hour of 12 o'clock noon, on this, the 5th day of January, 1874, in pursuance of law, Hon. James E. Callaway, Secretary of the Territory, called the Council to order, and announced the names of those who would be recognized as members for the purposes of a temporary organization, to wit:

*First District*—O. B. Barber, G. W. Stapleton and E. T. Yager.

*Second District*—Charles Cooper, W. B. Dance, L. R. Maillet and D. P. Newcomer.

*Third District*—R. E. Arick, A. H. Beattie, J. C. Stewart and J. C. Walker.

*Fourth District*—J. J. Davis and Owen Garrigan.

The roll being then called by Secretary Callaway, all answered to their names.

On motion of Dance, D. P. Newcomer was declared unanimously elected President *pro tem*.

On motion, Messrs. Arick and Stapleton were appointed to wait on Mr. Newcomer, inform him of his election, and escort him to the chair.

The President *pro tem* in the chair.

On motion of Garrigan, A. M. S. Carpenter was unanimously elected Chief Clerk *pro tem*.

On motion of Garrigan, a committee of one from each Council District on credentials<sup>2</sup> was appointed by the President, as follows, to wit:

Garrigan, fourth district; Yager, first district; Maillet, second district; Stewart, third district.

On motion of Arick, the Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President *pro tem* in the chair.

Roll called—all present.

Garrigan, from the Select Committee on Credentials, reported as follows, viz.:

MR. PRESIDENT—We, your Committee on Credentials, beg leave to make the following report:

That of the newly elected members the following are present, duly accredited, and entitled to seats in the Legislative Council of the Eighth General Assembly, to wit:

*First District, Madison and Beaver Head*—G. W. Stapleton and O. B. Barber.



*Second District, Deer Lodge and Missoula*—Charles Cooper and L. R. Maillet.

*Third District, Jefferson and Lewis and Clark*—R. E. Arick, J. C. Walker and A. H. Beattie.

*Fourth District, Gallatin, Meagher and Choteau*—J. J. Davis.

All of which is respectfully submitted.

[Signed]

OWEN GARRIGAN,  
J. C. STUART,  
E. T. YAGER,  
L. R. MAILLET.

The report was received, read and adopted, and the committee discharged.

On motion of Garrigan, a committee of three, consisting of Garrigan, Yager, and Arick was appointed to wait on Hon. F. J. Service, Judge of the First Judicial district, and invite him to administer the official oath to the newly elected members.

Subsequently the committee reported Judge Service in attendance, who, on being introduced to the Council, administered the oath.

On motion of Maillet, the thanks of the Council were tendered to Judge Service for his courtesy in attending at the call of the Council.

The Council then proceeded to the election of officers of the permanent organization.

Yager nominated, and on motion of Arick, Hon. G. W. Stapleton, of Beaver Head, was declared President by acclamation.

Barber nominated, and on motion of Garrigan, A. M. S. Carpenter, of Madison, was declared Chief Clerk by acclamation.

Garrigan nominated, and on motion of Dance, Robert W. Hill, of Gallatin, was declared Assistant Clerk by acclamation.

Garrigan nominated, and on motion of Dance, T. E. Collins, of Meagher, was declared Engrossing Clerk by acclamation.

Dance nominated, and on motion of Arick, William B. Morrison, of Lewis and Clark, was declared Enrolling Clerk by acclamation.

Newcomer nominated for Sergeant-at-Arms Joseph E. Allen, of Deer Lodge.

Stewart nominated Wm. Deascey, of Jefferson.

The vote being taken, Mr. Allen was declared duly elected.

On motion of Arick, J. M. Castner, of Gallatin, was declared elected Door-Keeper by acclamation.

Newcomer nominated, and on motion of Arick, S. T. Fulkerson, of Missoula, was declared Watchman by acclamation.

Beattie nominated, and on motion of Arick, Master J. M. Austin, of Jefferson, was declared elected Messenger by acclamation.

The oath of office was then administered to the attaches elect, present, by the President.

On motion of Newcomer, the Council adjourned until tomorrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*



## SECOND DAY.

JANUARY 6, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

The attaches of the Council not previously sworn came forward and the oath of office was administered by the President.

On motion of Arick, a committee of three, consisting of Arick, Newcomer and Barber, was appointed to prepare rules for the government of the Council, and to confer with a like committee from the House to prepare joint rules for the government of the Legislative Assembly.

On motion of Newcomer, a committee, consisting of Newcomer, Davis and Stuart, was appointed to inform the House that the Council is now organized and ready for business, and the chief clerk was directed to inform the House of the appointment of such committee.

On motion of Garrigan, the secretary of the territory was requested to furnish a sufficient number of roll calls for the use of the Council.

Council took a recess until 2 o'clock p. m.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Newcomer, from the Special Committee to inform the House of the organization of the Council, reported that duty discharged.

A committee from the House appeared at the Bar of the Council and informed the Council that the House had organized.

A communication was received from the House, through A. H. Barrett, chief clerk, as follows, to-wit:

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That the House will meet the Council in joint convention at 3 o'clock this P. M. January 6, 1874, or at such time as the Council or the Governor may select.

A. H. BARRETT, *Chief Clerk.*

On motion of Garrigan, a committee of three, consisting of Garrigan, Maillet and Walker, was appointed to act with a like committee from the House and inform His Excellency that the Legislative Assembly is organized and ready to receive any communication he may be pleased to make.

Subsequently, Garrigan, from the Select Committee to wait on the Governor, reported that duty attended to.

A communication was received from His Excellency the Governor, as follows, to-wit:



TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Jan. 5, 1874. }

*To the Legislative Assembly:*

Dr. George Callaway has been appointed private secretary to the Governor. All communications from the Executive to the Legislative Assembly will be delivered by him in person.

Respectfully,

B. F. POTTS, *Governor.*

A communication was received from His Excellency the Governor, through his private secretary Dr. Callaway, communicating his Message, which was read by the chief clerk to the Council.

The further consideration of the Governor's Message was postponed until to-morrow.

On motion of Beattie, amended on motion of Yager, His Excellency the Governor, Hon. Jas. E. Callaway, the Justices of the Supreme Court, and the reporters of the territorial press, were invited to seats on this floor, within the rail, at such times as it may please them to be present.

On motion of Garrigan, the thanks of the Council were extended to Hon. J. E. Callaway, secretary of the territory, for the efficient and considerate manner in which he has performed his duties in providing the members of this body with a neat, comfortable, and well-furnished chamber.

Arick, from committee to prepare rules, reported, recommending the adoption of the Council rules of the Seventh Session, with amendments.

The report was accepted and adopted.

A communication was received from the House, through chief clerk Barrett, as follows:

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That the House has appointed J. M. Alger, J. Stafford, and E. D. Aiken, as a committee to confer with a like committee from the Council on joint rules.

BARRETT, *Chief Clerk.*

On motion of Dance, a committee of three, consisting of Dance, Davis, and Barber, was appointed to act with a like committee of the House, and wait upon the secretary of the territory and ascertain what provisions he has made for printing for both houses.

Yager gave notice of a bill to amend an act entitled An Act to provide for the forfeiture to the territory of placer mines held by aliens.

The Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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### THIRD DAY.

JANUARY 7th, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

The President announced the Standing Committees as follows, to-wit :

STANDING COMMITTEES.

Ways and Means—Dance, Yager, Garrigan.  
Judiciary—Arick, Newcomer, Davis.  
Internal Improvement—Barber, Walker, Garrigan.  
Public Lands—Maillet, Stuart, Barber.  
Federal Relations—Newcomer, Walker, Davis.  
Education—Yager, Cooper, Newcomer.  
Towns and Counties—Davis, Maillet, Stuart.  
Military Affairs—Walker, Cooper, Barber.  
Incorporations—Beattie, Davis, Yager.  
Agriculture and Manufactures—Cooper, Garrigan, Barber.  
Elections—Garrigan, Dance, Yager.  
Indian Affairs—Stuart, Dance, Davis.  
Mines and Minerals—Newcomer, Beattie, Garrigan.  
Engrossment—Garrigan, Newcomer, Beattie.  
Enrollment—Barber, Stuart, Maillet.  
Printing—Newcomer, Garrigan, Arick.  
Immigration—Yager, Beattie, Dance.  
Roads and Highways—Newcomer, Stuart, Yager.  
Territorial Affairs—Arick, Dance, Barber.

Garrigan, by consent, without previous notice, introduced C. B. No. 1, relative to legal publications. Read first and second times and referred to Judiciary Committee.

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway, communicating certain papers relating to the penitentiary, which were referred to Committee on Territorial Affairs.

Notice of bills was given as follows :

By Beattie : Of a bill for an act concerning the appropriation of moneys collected for license taxes.



Also, to amend section 13 of chapter 83 of codified general laws.

Also, of a bill for an act relating to brands and marks.

Also, of a bill for an act to provide for the more speedy settlement of small estates.

Also, of a bill for an act concerning the support of paupers and sick persons.

Also, of a bill for an act defining the rights of married women.

By Newcomer : Of a bill for an act to provide for married women to transact business in their own name as sole traders.

By Davis : Of a bill for an act to amend the election law, to-wit : Sections 32 and 33 of the codified laws.

The President announced that he had in his possession a communication from the Governor, which, in his judgment, required consideration in executive session.

On motion of Newcomer the Council then went into executive session.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called — all present.

Notices of bills were given as follows :

By Davis : Of a bill to amend sec. 38, chap. 21 of codified laws, so as to prohibit any allowance from the county treasuries, as salary to Probate Judges.

By Maillet : Of Joint Memorial to Congress asking an extension of the time for the payment for public lands in the Bitter Root Valley.

By Garrigan : Of a bill for a road law ; also, for a better protection and encouragement of stock men ; also, to change the boundaries of Meagher county.

By Yager : Of a bill to amend the act to provide for the collection of statistics.

By Beattie : Of a bill to provide for the support of the Helena fire department.

Also, of a bill for an act concerning licenses.

Stuart presented some papers concerning a claim of John P. Barnes, to a seat in the Council, from the third Council District.

On motion of Garrigan, amended on motion of Arick, these papers were referred to a select committee of three, consisting of Arick, Garrigan and Barber.

On motion of Arick the Council went into Committee of the Whole to consider the Governor's Message.

Council resumed. Mr. President in the chair.

A communication was received from the House, through A. H. Barrett, chief clerk, as follows :

#### HOUSE OF REPRESENTATIVES :

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following notices have been given for the introduction of bills :

By Ezekiel: An Act authorizing the disposal of surplus money in the poor and other funds in the treasuries of the several counties.

By Harrington: An Act concerning trade and stocks, marks and brands.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

A report was received from the Territorial Auditor, which was read by the Chief Clerk, as follows, to-wit:

### AUDITOR'S REPORT FOR THE NINTH FISCAL YEAR, 1873.

AUDITOR'S OFFICE, MONTANA TERRITORY, }  
VIRGINIA CITY, Jan. 1st, 1874. }

*To the Honorable Council and House of Representatives of the  
Legislative Assembly of Montana Territory—Eighth Session:*

From examination of my report for the year 1872, and by comparing the assessment returns of that year with those of 1873, you will find that the assessed valuation of property in the Territory has decreased \$373,243 within the past year, additional assessments reaching the sum of \$23,000, returned to my office since the completion of my tabular statement, herewith submitted, would make the actual difference \$350,243. By comparing the assessed valuation of cattle for the years 1872 and 1873, you will find that this amount, and over, was caused by the depreciation in the value of property of that nature. By referring to the statement of revenue collected for the year 1873, you will find that the receipts of the Treasury have fallen short of the receipts for the previous year \$12,850 78. The sum of \$1,894 72 was caused from the decrease in the assessed valuation of property; \$4,471 85 by the amendment, at the late Extraordinary Session of the Legislature, of the license act; and the balance, of over \$6,000,



from the difference in the amount of delinquent taxes collected, respectively, in the years 1872 and 1873. The actual difference in the amount of revenue collected for the years 1872 and 1873 is \$6,366 57, in favor of the year 1872. This was occasioned, in great measure, by the repeal, at the sixth session of the Legislature, of section 28 of the act providing for the collection of revenue, approved January 15th, 1869. From the exposed and unsafe condition of the arms and ammunition belonging to the Territory, it became necessary that the arsenal should be repaired, which was done under the superintendency of his Excellency, Governor Potts, at a cost of \$428 57; which amount I audited and allowed as a debt against the Territory, in favor of William Thompson, who furnished such repairs, and issued him a certificate of indebtedness for the same. I recommend that the Auditor be authorized to draw his warrant on the Treasurer for the same.

From my warrant account it will be seen that the expenses of the Penitentiary, under Executive control, have been enormous. The system created for its management, at the late Extraordinary Session of the Legislature, has proven both cumbersome and extravagant. A method more simple and profitable to the Territory might be adopted; and I recommend that the act approved May 6th, 1873, entitled "An Act to govern and regulate the Penitentiary at Deer Lodge City, Montana Territory," be repealed, and that, in lieu thereof, the Legislature provide for the letting, to the lowest and best bidder, of the possession and government of the Penitentiary, and the care and maintenance of the convicts confined therein. That such contractor be allowed to reasonably employ such convicts, and to receive to his own use all the earnings thereof; and that, before entering upon the performance of such contract, he be required to execute an obligation to the Territory in the penal sum of at least double the amount of his bid, conditioned for the safe-keeping of the property committed to his care, that he will sufficiently detain and guard such convicts during their terms of sentence and imprisonment respectively; that he will supply such convicts with all

necessary and wholesome food, clothing, bedding, medicines and medical attendance; that he will properly manage the Penitentiary, and all affairs connected therewith, and faithfully perform all other acts which may be enjoined upon him by law; such bond to be approved by the Auditor and Treasurer of the Territory, and to be filed and deposited with the Auditor. If, however, you do not deem it wise to repeal the act mentioned, I suggest that it be so amended as to direct the payment of all moneys received from convict labor to the Treasurer of the Territory, at the end of each month; and that all expenses of the Penitentiary be paid by the proper disbursing officer of the Territory.

The necessity for this amendment arises from the fact that I have had no official knowledge of the receipts and disbursements of convict earnings. I believe that were the law repealed, *in toto*, and the method herein indicated adopted, it would be a saving to the Territory at the present time of at least \$5,000 each year. I would again call your attention to the necessity of changing the end of the fiscal year for Territorial purposes from the first day of December to the thirty-first day of December, and thus make the first day of January the beginning of the fiscal year for Territorial purposes. I also recommend that all warrants outstanding on the first day of July, 1874, be bonded, by which all transactions of the Territory will be reduced to a cash basis, and economy secured to the finances of the Territory.

I call your special attention to warrant No. 1769, amounting to \$500, issued to James M. Fish, as a reward from Governor Potts, for the arrest and delivery of Mr. A. B. Kiser to the Sheriff of Madison county. I recommend that you cause the matter to be investigated by a select committee of the two Houses, that the responsibility of the loss may be fastened upon the proper officer, and such measures taken as will restore the money to the Treasury. The time has certainly arrived when you should provide for the punishment of faithless officers, that the Treasury may not, hereafter, be robbed with impunity. To effect this desirable end I direct your at-

tention to sec. 457 of the Criminal Practice Act; and suggest that it be so amended as to require a concurrence of the Governor, and the Judge and Prosecuting Attorney for the district wherein the alleged crime was committed, before any reward shall be offered for the arrest of *suspected* fugitives from justice; and only, in the event of such concurrence, when there is *reasonable* ground to convict. The loss of \$500 to the Territory is not so great when compared with the heavy expense imposed upon the tax-payers of Madison county in Mr. Kiser's case; and I further recommend that the amount of such expense be restored to the treasury of that county.

Before retiring from office, I would respectfully ask that a joint committee of the two Houses be appointed to examine my books, vouchers, warrants, accounts, and all other papers connected therewith. Redeemed and canceled warrants and bonds amounting to several hundred thousand have accumulated, none of which have been examined since my term of office, which, solely through your kind consideration, has extended over a term of six years; and after a careful examination of my accounts, including my various settlements with the several Treasurers of the Territory, respectively, and the same shall be found correct, I further suggest that the committee be instructed to destroy such warrants and bonds, as the same have become a useless incumbrance in the office.

I have the honor to be,

Very respectfully, your obedient servant,

W. H. ROGERS,

*Territorial Auditor.*



## WARRANT ACCOUNT.

Date.	No.	To Whom Issued.	For What Purpose.	Amount.
Dec. 2, 1872.	1709	Cummings & Couch.....	Support of convicts.....	681.18
2	1710	W H Rodgers.....	Per cent on issues of warrants.....	49.00
7	1711	Thos Deyarmon, Sheriff.....	Transportation of convicts.....	222.00
12	1712	J C Guy, Sheriff.....	Support and guarding convicts.....	40.00
25	1713	Gans & Klein.....	Clothing for discharged convicts...	15.00
31	1714	H Mundell.....	Salary as Ordnance Sergeant.....	50.00
31	1715	W H Rodgers.....	Salary and per cent on issues.....	371.39
Jan. 1, 1873.	1716	Hussey, Dahler & Co.....	Support of convicts.....	763.95
1	1717	F E W Patton.....	Rent of Aud and Treas office.....	60.00
4	1718	Jonathan Munmore.....	Wood for Aud and Treas office.....	55.81
4	1719	W H Rodgers.....	Per cent on issue of warrants.....	62.55
14	1720	Virginia City Water Co.....	Water for Aud and Treas office.....	6.00
20	1721	J Rosenthal.....	Clothing for discharged convicts...	15.00
20	1722	W W Jones, Sheriff.....	Dieting and transporting convicts...	196.75
25	1723	Cornelius Hedges.....	Salary and expenses Sup Pub Inst..	770.00
25	1724	Rocky Mountain Gazette.....	Advertising for printing.....	21.00
27	1725	R O Hickman.....	Salary as Territorial Treasurer.....	175.00
29	1726	C L Dahler.....	Cash to support convicts.....	835.53
Feb. 1	1727	J C Robinson.....	One quarter's salary as Dist Atty...	375.00
1	1728	J J Williams.....	One quarter's salary as Dist Atty...	375.00
1	1729	H N Blake.....	One quarter's salary as Dist Atty...	375.00
1	1730	W H Rodgers.....	Per cent on issues of warrants.....	160.24
7	1731	F C Deimling, P.M.....	Pge stamps for Aud and Treas office	15.00
28	1732	Wells, Fargo & Co.....	Express charges on blanks.....	19.75
28	1733	James H Mills.....	Blanks for Auditor's office.....	90.00
Mar. 1	1734	C L Dahler.....	Support of convicts.....	734.11
3	1735	W H Rodgers.....	Per cent on issues of warrants.....	50.95
5	1736	J Rosenthal.....	Clothing for discharged convicts...	15.00
5	1737	J H Mills.....	Printing tax receipts for Aud.....	70.29
7	1738	G Titus.....	Cutting fuel Aud and Treas office...	20.00
17	1739	Jas H Mills.....	Printing licenses for Aud office.....	77.60
25	1740	Jas H Mills.....	Printing for Sup't Pub Instruction..	25.00
29	1741	Wm Douglass.....	Support of Territorial convicts.....	771.27
31	1742	H Mundell.....	Salary as Ordnance Sergeant.....	50.00
April 1	1743	W H Rodgers.....	Per cent on issues of warrants.....	229.00
1	1744	F E W Patton.....	Rent of Aud and Treas office.....	60.00
9	1745	Deer Lodge Independent.....	Advertisement for public printing...	20.00
24	1746	Cornelius Hedges.....	Salary as Sup't of Pub Instruction...	500.00
24	1747	Cornelius Hedges.....	Office expenses as Sup Pub Ins'n...	75.00
26	1748	L M Todd.....	Transportation of arms.....	117.44
27	1749	R O Hickman.....	Salary as Territorial Treasurer.....	175.00
May 1	1750	Philip Conray.....	Support of Territorial convicts.....	743.51
5	1751	J J Williams.....	Salary as District Attorney.....	375.00
5	1752	H N Blake.....	Salary as District Attorney.....	375.00
5	1753	J C Robinson.....	Salary as District Attorney.....	375.00
6	1754	G F Cope.....	Printing Aud and Treas Report.....	400.00
9	1755	Granville Stuart.....	Use of Historical Library.....	150.00
9	1756	W H Rodgers.....	Back pay due him as Auditor.....	606.26
12	1757	E U Driggs & Co.....	Lamp for Auditor's office.....	12.25
19	1758	G F Cope.....	Public advertisement for printing...	20.00
19	1759	G F Cope.....	Newspaper for extra session.....	10.00
19	1760	G F Cope.....	Newspaper for extra session.....	470.00
19	1761	G F Cope.....	Printing for extra extra session...	590.00
19	1762	Henry Elling.....	Seal of Territorial Auditor.....	27.95
25	1763	W F Wheeler.....	Canvassing vote for Congress.....	59.00
29	1764	W W Jones.....	Board and transporting convicts...	33.50
29	1765	J Rosenthal.....	Clothing for discharged convicts...	15.00
30	1766	James E Callaway.....	Copies and seal of laws.....	49.29
31	1767	Charles L Dahler.....	Support of convicts.....	421.21
June 2	1768	J Rosenthal.....	Clothing for discharged convicts...	15.00
25	1769	James M Fish.....	Rec'd for deliv'y of Kiser, by Gov...	500.00
26	1770	Henry Elling.....	Expenses for Ter Penitentiary.....	466.34
July 2	1771	H Mundell.....	Salary as Ordnance Sergeant.....	50.00

Date.	No.	To Whom Issued.	For What Purpose.	Amount.
July 2, 1873.	1772	Wells, Fargo & Co.....	Express charge on Auditor's seal...	9.40
2	1773	Virginia City Water Co.....	Water for Aud and Treas office.....	6.00
2	1774	Fisk Bros.....	Advertising for Treas.....	18.00
2	1775	F E W Patton.....	Rent of Aud and Treas office.....	60.00
3	1776	Henry Elling.....	Expenses Ter Penitentiary.....	1,556.50
4	1777	Chas L Dahler.....	Expenses Ter Penitentiary.....	968.78
12	1778	Henry Elling.....	Expenses Ter Penitentiary.....	113.78
15	1779	Kerley, Smith, McQuaid & Co	Publishing laws of extra session...	119.00
30	1780	J E Marlon.....	Transporting convicts.....	81.00
Aug. 1	1781	W H Rodgers.....	One quarter salary as Ter Auditor..	500.00
1	1782	R O Hickman.....	Salary as Territorial Treasurer.....	503.83
1	1783	Cornelius Hedges.....	Salary as Sup't Public Instruction..	366.67
1	1784	Cornelius Hedges.....	Office expenses as Sup't Pub Inst'n.	85.00
1	1785	R O Hickman.....	Balance on salary as Ter Treas.....	3.90
1	1786	Henry Elling.....	Expenses Penitentiary.....	200.00
1	1787	Henry Elling.....	Expenses Penitentiary.....	300.00
1	1788	Henry Elling.....	Expenses Penitentiary.....	403.45
2	1789	Thos Deyarmon.....	Transporting convicts.....	135.00
4	1790	H N Blake.....	Salary as District Attorney.....	258.33
4	1791	J C Robinson.....	Salary as District Attorney.....	258.33
4	1792	J J Williams.....	Salary as District Attorney.....	258.33
11	1793	James H Mills.....	Blanks for Auditor.....	92.20
20	1795	G F Servis.....	Territorial law library.....	200.00
21	1796	Geo F Lynn.....	Expenses for Penitentiary.....	174.21
26	1797	James H Mills.....	Printing for Sup't Pub Instruction...	47.00
Sept. 1	1798	James H Mills.....	Printing for Sup't Pub Instruction...	40.00
2	1800	H Warmington.....	Stationery for Ter Aud Office.....	7.00
Oct. 2	1801	Geo F Lynn.....	Expenses Territorial Penitentiary..	963.22
2	1802	F E W Patton.....	Rent for Aud and Treas office.....	60.00
4	1803	Geo F Lynn.....	Expenses Ter Penitentiary.....	913.21
10	1804	H Mundell.....	Salary Ordnance Sergeant.....	60.00
11	1805	Jonathan Mumma.....	Fuel for Aud and Treas office.....	115.00
31	1806	G F Cope.....	Printing for Sup't Pub Instruction...	353.00
Nov. 1	1807	Wells, Fargo & Co.....	Express charges on blanks.....	14.50
1	1808	W H Rodgers.....	Salary as Territorial Auditor.....	500.00
1	1809	R O Hickman.....	Salary as Territorial Treasurer.....	500.00
1	1810	H N Blake.....	Salary as District Attorney.....	250.00
1	1811	J C Robinson.....	Salary as District Attorney.....	250.00
1	1812	J J Williams.....	Salary as District Attorney.....	260.00
1	1813	Cornelius Hedges.....	Salary as Sup't Public Instruction..	300.00
1	1814	Cornelius Hedges.....	Traveling and office expenses.....	175.00
1	1815	G F Cope.....	Advertising for Aud and Treas.....	70.21
1	1816	Henry Elling.....	Expenses Penitentiary.....	830.40
5	1817	J C Robinson.....	Mileage as District Attorney.....	124.00
7	1818	G F Cope.....	Adv'tsing for redemption of bonds.	10.90
12	1819	H N Blake.....	Mileage as District Attorney.....	30.00
13	1820	Cornelius Hedges.....	Seal of office Sup't Pub Instruction...	16.00
13	1821	F C Deimling, P M.....	Postage stamps for Aud office.....	18.86
15	1822	W H Rodgers.....	P O rent for 6 years, Aud office.....	80.00
15	1823	R O Hickman.....	P O rent for 30 months, Treas office	35.00
22	1824	Joseph Daughmahr.....	Cutting fuel for Auditor's office....	26.11
27	1825	John C Guy, Sheriff.....	Transporting convicts.....	145.00
27	1826	Chas S Warran.....	Transporting and dieting convicts.	23.20
27	1827	H Warmington.....	Stationery for Auditor's office.....	10.00
28	1828	D W Tilton & Co.....	Stationery for Aud and Treas office.	37.75
Dec. 1	1829	H N Blake.....	Salary as District Attorney.....	83.33
1	1830	J C Robinson.....	Salary as District Attorney.....	83.33
1	1831	J J Williams.....	Salary as District Attorney.....	83.33
1	1832	Cornelius Hedges.....	Traveling exp Sup't Pub Instruc'n.	100.00
1	1833	Thomas H White.....	Expenses of Penitentiary.....	1,077.54

Total issued for fiscal year.....\$28,897.54

## RECAPITULATION OF WARRANT ACCOUNT.

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Expenses for keeping convicts to May 16th.....	\$4,993 76
Expenses of Territorial Penitentiary, from May 16 to Dec. 1.....	7,997 43
Printing and advertising for Auditor's and Treasurer's office.....	470 11
Rent, fuel, stationery, express charges, etc., for Auditor's and Treasurer's office.....	756 38
Salary and fees of Auditor and Treasurer.....	3,887 12
Salary, office expenses, traveling expenses, printing, etc., for Superintendent of Public Instruction .....	2,872 67
Publishing Auditor's and Treasurer's Report.....	400 00
Legislative expenses for newspapers, copies, and publishing laws, etc .....	1,238 20
Salary and mileage of District Attorneys.....	4,178 98
Salary of Ordnance Sergeant.....	200 00
Appropriation to Montana Law and Historical Libraries .....	350 00
Dieting, transportation, etc., of convicts.....	876 45
Transportation of Arms, etc.....	176 44
Reward of the Governor for the arrest and delivery of A. B. Kiser.....	500 00
Total amount for which warrants were issued.....	\$28,897 34



## ABSTRACT OF ASSESSMENTS FOR 1873.

COUNTIES.	No. of acres of Land in Cult- ivation.	Valuation of Land.	Valuation of town lots.	Investment in Stock Cos.	Valuation of Musical Instrs.	No. of Wagons and Carriages.	Valuation of Wagons and Carriages.	No. of Horses.	Valuation of Horses.	REMARKS.
Madison.....	69 604	\$ 254 783	\$ 93 960	\$ 175	\$ 3 058	723	\$ 50 453	3 710	\$ 164 992	
Lewis and Clark.....	41 801	255 572	575 891	177 455	5 730	803	56 575	3 744	90 127	
Deer Lodge.....	28 753	156 368	143 789	48 450	.....	839	93 995	3 369	123 461	
Beverhead.....	12 040	33 603	15 635	22 150	.....	188	12 367	3 717	65 020	
Jefferson.....	35 925	72 866	15 797	.....	1 144	339	18 324	3 032	68 766	
Gallatin.....	63 904	191 356	108 720	.....	1 360	391	26 320	3 343	129 829	
.....	25 063	88 457	663	.....	353	276	15 471	1 817	68 940	
Miner.....	32 588	82 453	50 394	.....	698	278	15 205	1 906	66 985	
Missoula.....	2 055	8 244	23 035	11 789	745	135	10 550	247	9 500	
Choteau.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Totals.....	318 039	\$1 152 654	\$1 031 645	\$ 259 919	\$ 14 150	3 772	\$ 239 646	19 905	\$ 788 020	



## ABSTRACT OF ASSESSMENTS FOR 1873.

COUNTIES.	Capital in Mer- chandise.	Money and Credits.	Gold and silver plate and jewelry.	Valuation of clocks and watches.	Household Furniture.	All other prop- erty not enu- merated.	Total Assessment.	REMARKS.
Madison .....	\$ 184 175	\$ 437 535	\$ 3 384	\$ 16 828	\$ 5 742	\$ 91 988	\$1 867 142	
Lewis and Clark.....	536 333	385 697	5 289	17 147	13 725	154 161	2 648 131	
Deer Lodge.....	241 992	352 728	1 780	15 181	.....	229 240	1 619 303	
Beaverhead.....	29 363	70 765	915	4 203	.....	26 305	519 365	
Jefferson .....	19 881	93 599	.....	6 909	.....	123 352	698 295	
Gallatin .....	81 087	87 372	.....	3 105	760	103 674	980 394	
Meagher .....	28 163	97 707	1 967	5 459	100	55 398	579 669	
Missoula .....	88 712	77 412	1 465	3 842	150	28 404	604 412	
Choteau .....	122 639	22 186	323	1 001	140	6 074	287 034	
Totals.....	\$1 352 345	\$1 624 911	\$ 14 728	\$ 73 675	\$ 20 557	\$ 818 587	\$9 803 745	



## STATEMENT OF REVENUES COLLECTED FROM TAXES AND LICENSES.

COUNTIES.	Taxes collected in 1873.	Delinquent Taxes Collected.	Per cent. from Delinquents.	Collections from Licenses.	Total collections from all sources.	Paid County Treasurers' Per Cent. and Milage.	Net Amount Paid into Treasury.	REMARKS.
Madison.....	\$ 6 937 61	\$ 770 29	\$ 108 85	\$ 3 080 80	\$10 897 55	\$ 632 55	\$10 265 00	
Lewis and Clark.....	9 844 66	515 65	96 05	8 587 30	19 043 66	936 46	18 107 26	
Deer Lodge.....	6 309 65	264 39	46 24	5 410 40	12 031 68	754 98	11 275 70	
Beaverhead.....	2 067 24	59 85	.....	447 00	2 514 09	242 07	2 272 02	
Jefferson.....	2 242 27	335 00	54 36	1 171 62	3 803 19	372 63	3 430 56	
Gallatin.....	3 788 23	225 48	42 31	1 681 20	5 687 22	550 46	5 137 76	
Meagher.....	1 820 64	164 49	34 48	1 248 00	3 957 61	412 30	2 855 31	
Missoula.....	2 228 61	122 10	19 63	1 542 80	3 913 14	414 22	3 498 92	
Choteau.....	.....	.....	.....	.....	.....	.....	1 172 55	
Totals.....	\$35 238 91	\$ 2 457 25	\$ 401 92	\$23 119 12	\$61 157 14	\$ 4 324 61	\$58 005 08	

## TERRITORIAL INDEBTEDNESS.

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Territorial Bonds outstanding.....	\$104 350 00
"    Warrants.....	35 086 44
Estimated Interest on Warrants, not advertised for payment, to Jan. 1, 1874.....	2 249 72
Warrants advertised for payment with interest on same.....	1 145 10
Coupons for Interest on Bonds to December 1, 1873.....	6 786 00
Auditor's Certificate of Indebtedness to Wm. Thompson.....	428 57
	<hr/>
	\$150 045 83
Cash in hand of Territorial Treasurer.....	20 805 59
	<hr/>
Total indebtedness January 1, 1874.....	\$129 240 24

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The following is a statement of the estimated expenses of the Territory for the year 1874:

Expenses of Territorial Penitentiary.....	\$12 000 00
Salary and expenses of Territorial Auditor's and Treasurer's offices.....	4 600 00
Salary and mileage of District Attorneys.....	3 300 00
Salary and expenses of Territorial Superintendent of Public Instruction.....	1 900 00
Salary of Ordnance Sergeant.....	200 00
Transportation and expenses of Territorial Convicts.....	800 00
Public Printing and Advertising.....	500 00
Publishing Auditor's and Treasurer's Report.....	400 00
Appropriation to Law and Historical Library.....	350 00
Interest on Territorial Indebtedness.....	15 500 00
Per cent. and mileage of County Treasurers.....	3 800 00
Estimated expenses of the present Legislature.....	1 000 00
	<hr/>
	\$44 350 00

# REPORT OF THE TERRITORIAL TREASURER FOR THE FISCAL YEAR ENDING DECEMBER 1, 1873.

TREASURER'S OFFICE, MONTANA TERRITORY, }  
VIRGINIA CITY, January 7, 1874. }

*To the Honorable Council:*

GENTLEMEN :—In compliance with law, I have the honor to submit the following report of the transactions of this office, commencing on December 1, A. D. 1872, and embracing December 31, A. D. 1873.

Respectfully submitted,

R. O. HICKMAN,

*Territorial Treasurer.*

## RECEIPTS.

To amount cash on hand December 1, 1872.....		\$643 64
" " Received from Treasurer Beaverhead county.....	\$ 2,834 68	
" " " " " Madison " .....	10,123 27	
" " " " " Gallatin " .....	6,285 24	
" " " " " Jefferson " .....	3,806 72	
" " " " " Lewis and Clark county.....	22,440 48	
" " " " " Deer Lodge county.....	12,448 33	
" " " " " Missoula " .....	4,040 06	
" " " " " Meagher " .....	3,065 88	
" " " " " Choteau " .....	428 15	
" " " " " Labor Territorial convicts.....	172 50	
" " " " " To Multiple Bonds.....	99 77	
" " " " " as interest on Multiple, not paid when due.....	8 47	
" " " " " Estate of F. Rafield, deceased.....	80 00	
" " " " " Kountze Bros., interest on balance.....	40 54	65,874 09
		<hr/>
		\$66,517 73

## DISBURSEMENTS.

By Warrants and interest on same, paid and cancelled.....	\$ 34,439 46	
" Forty per cent. fund of \$60,874 09.....	24,249 61	
" Forty per cent fund of \$5,000, called in to pay interest.....	5,000 00	
" Treasurer's fees under old law.....	1,934 90	
" Advertising payment of bonds and coupons.....	16 10	
" Amount paid for registered mail.....	3 34	
" Ruling books for office.....	5 00	
" Com's paid Kountze Bros., for taking up bonds and coupons.....	42 24	
" Cash on hand.....	726 08	
	<hr/>	
		\$66,517 73

## EXHIBIT OF FORTY PER CENT. FUND.

To balance on hand, Dec. 1, 1872.....	\$ 7,888 25	
“ Forty per cent. of \$60,874 09—cash receipts.....	24,349 61	
“ Cash called in to pay December interest.....	5,000 00	
		<u>\$37,237 86</u>

## DISBURSEMENTS.

By sinking fund to redeem bonds.....	\$ 15,405 39	
“ Amount paid for coupon interest.....	12,979 75	
“ Balance on hand December 1, 1873.....	8,852 72	
		<u>\$37,237 86</u>

## SINKING FUND.

To balance on hand, Dec. 1, 1872.....	\$ 1,394 61	
“ Amount from 40 per cent. fund.....	15,405 39	
		<u>\$16,800 00</u>

## CONTRA.

By amount bonds paid and cancelled.....	\$16,750 00	
“ Balance to pay bonds not presented.....	50 00	
		<u>\$16,800 00</u>

To balance on hand December 1, 1873.....	\$ 726 08	
“ Amount received of Treasurer Beaverhead county.....	\$ 1,897 16	
“ “ “ “ Madison “.....	7,141 23	
“ “ “ “ Gallatin “.....	4,000 76	
“ “ “ “ Jefferson “.....	2,388 44	
“ “ “ “ Lewis and Clark “.....	6,183 26	
“ “ “ “ Deer Lodge “.....	7,041 98	
“ “ “ “ Missoula “.....	2,407 01	
“ “ “ “ Meagher “.....	1,830 36	
“ “ “ “ Choteau “.....	749 40	
		<u>\$33,589 60</u>
		<u>\$34,315 68</u>

## DISBURSEMENTS.

By 40 per cent. fund.....	\$ 10,435 84	
“ Warrants and interest on same, paid and cancelled.....	21,926 61	
“ Balance to pay warrants and interest on same.....	1,953 23	
		<u>\$34,315 68</u>

## FORTY PER CENT. FUND.

To balance, December 1, 1873.....	\$ 8,852 72	
“ Case account for this amount.....	10,435 84	
		<u>\$19,288 56</u>

## CONTRA.

By coupons paid at this office.....	\$ 486 00	
“ Balance in 40 per cent. fund.....	18,802 56	
		<u>\$19,288 56</u>

## SINKING FUND.

To balance on hand December 1, 1873.....	\$ 50 00	
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## CONTRA.

By balance to pay bond No. 2.....	\$ 50 00	
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## REGISTERED LIABILITIES OF THE TERRITORY.

To 12 per cent. bonds.....	\$104,300 00	
" 15 per cent. bonds No. 27, "called".....	50 00	
" Warrants and interest on same, advertised for payment.....	1,145 10	
" Warrants not advertised for payment.....	35,036 44	
" Interest on same.....	2,249 72	
" Coupons due June 1, 1873, not presented.....	1,014 00	
" Coupons due December 1, 1873, not presented.....	5,772 00	
		<u>\$149,567 26</u>

## ASSETS OF TERRITORY.

By balance in warrant fund.....	1,953 23	
" Balance in forty per cent. fund.....	18,802 56	
" Balance in sinking fund.....	50 00	
" Registered indebtedness proper .....	128,761 47	
		<u>\$149,567 26</u>
Total registered indebtedness, January 1, 1873.....		\$142,548 99
Total registered indebtedness, January 1, 1874.....		128,761 47
Decrease in registered debt for year.....		13,787 52

Respectfully submitted,

R. J. HICKMAN, *Territorial Treasurer.*

VIRGINIA CITY, MONTANA, January 7, 1874.

ERRATA.—Page 12, Auditor's Report, in the column, "Net amount paid into Treasury" from Lewis and Clark county, second line from the top, should read \$18,107 26, instead of "\$181,07 56," as it appears.

The Chief Clerk was instructed to furnish a list of the officers and attaches of the Council to the Governor and Secretary.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

## FOURTH DAY.

JANUARY 8, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Garrigan, from Committee of the Whole, to whom was referred the Governor's Message, reported.

The report was adopted.

Newcomer gave notice of the introduction of a bill for an act to amend sec. 34, chap. 17 of the codified general laws.

Beattie introduced C. B. No. 2, a bill for an act defining the rights of married women. Read first and second times and referred to Judiciary Committee.

Also, C. B. No. 4, a bill for an act relating to brands and marks. Read first and second times and referred to the Committee on Agriculture and Manufactures.

Also, C. B. No. 5, a bill for an act concerning the appropriation of moneys collected from license taxes. Read first and second times and referred to Committee on Ways and Means.

Also, C. B. No. 6, a bill for an act to provide for the support of the Helena fire department. Read first and second times, referred to a select committee consisting of the Lewis and Clark county delegation.

Also, C. B. No. 7, a bill for an act to amend section 13 of chapter 83 of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 4, 1872. Read first and second times and referred to Judiciary Committee.

By Yager: C. B. No. 3, a bill for an act to amend an act entitled An Act to provide for the forfeiture to the Territory of placer mines held by aliens. Read first and second times and referred to the Judiciary Committee.

Beattie introduced the following resolution:

*Resolved*, That the Committee on Education be instructed to enquire into the expediency of so amending the school law that the county superintendent of schools be chosen by the school trustees and not by the people. Read and referred to the Committee on Education.

Newcomer introduced the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Council be required to furnish each member of this body with four copies of the daily papers, such as members may select.

Adopted by the following vote:

*Ayes*—12.

*Nays*—Davis—1.

Dance, from select committee to act with a like committee from the House to wait on the Secretary and ascertain what arrangements has been made for printing for both Houses, made the following report:

MR. PRESIDENT—Your committee, appointed to act with a like committee on the part of the House, to wait upon the Secretary of the Territory and ascertain what arrangements

he has made for the printing for the Council and House, report as follows :

That in company with the like committee appointed by the House, your committee waited upon the Secretary, and elicited the following facts :

1st. That the Congressional appropriation for printing for the Territory amounts to four thousand dollars.

2d. That the amount necessary for the printing of the laws and Journals of this session will be at least three thousand dollars.

3d. That for miscellaneous printing of the Council and House, there will probably remain five hundred dollars, after deducting the expenses of publishing the Governor's message.

4th. That for any excess of printing by the two Houses, beyond the said five hundred dollars, an appropriation must be made out of the Territorial treasury.

Respectfully submitted,

W. B. DANCE,

J. J. DAVIS,

O. B. BARBER.

Received, read, and referred to Committee on Printing, and committee discharged.

A report of the Territorial Treasurer was received and read by the Chief Clerk.

On motion of Yager the Committee on Printing was directed to ascertain the cost of publishing five hundred copies of the Territorial Auditor and Treasurer's report, and report the same to the Council.

The Council took a recess until 2 o'clock P. M.



2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

On motion of Dance the Chief Clerk was excused for the day, on account of sickness in his family.

Council adjourned until 10 o'clock to-morrow morning.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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## FIFTH DAY.

JANUARY 9, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Mr. President appointed Garrigan, Walker and Davis on the select committee to consider that portion of the Governor's message referring to the County Commissioners of Meagher county.

That portion of the Governor's message relating to the excessive fees allowed the Sheriff of Madison, Gallatin, and

Lewis and Clark counties, was referred to a select committee consisting of Yager, Davis, Barber and Arick.

Arick, from the Judiciary Committee, reported as follows :

MR. PRESIDENT—Your Judiciary Committee, to whom was referred C. B. No. 1, An Act relating to legal publications, would respectfully report the same back to the Council, with the recommendation that it lie on the table, and that they have leave to introduce the accompanying bill.

ARICK, *Chairman.*

Report adopted.

Yager, from the Committee on Education, reported as follows :

MR. PRESIDENT—Your Committee on Education, who were instructed to inquire into the expediency of amending the school law, so that the County Superintendent of Schools shall be appointed by the school trustees of a county, have had the same under consideration, and beg leave to report that they deem such change entirely inexpedient.

YAGER, *Chairman.*

Report adopted.

Newcomer, from Committee on Printing, reported the probable cost of printing the Territorial Auditor's and Treasurer's Report, and on motion of Beattie, the Committee on Printing were instructed to procure five hundred copies of said report printed for the use of the Assembly.

Arick, from select committee to consider C. B. No. 6, to provide for the support of the Helena Fire Department, reported the same back with the recommendation that same do pass.

Garrigan gave notice of a bill to require butchers to give bonds and keep a record of the animals slaughtered.

Maillet gave notice of a bill to amend the license law in regard to butchers.

The Judiciary Committee introduced C. B. No. 8, a bill for An Act to regulate the rights of parties in the publication of legal notices. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Noes*—Beattie—1.

Title agreed to.

Beattie introduced C. B. No. 14, a bill for An Act to provide for the more speedy settlement of small estates. Read first and second times and referred to the Judiciary Committee.

C. B. No. 6, to support the Helena Fire Department; taken up, rules suspended, considered engrossed, read a third time, and passed by the following vote :

*Ayes*—13.

*Nays*—None.

Title agreed to.

Arick, from Joint Special Committee to prepare rules, reported recommending the adoption of the joint rules of the seventh session.

Report adopted.

On motion of Newcomer, the Sergeant-at-Arms was directed to procure for the use of the Council a sufficient number of the rules just adopted.

On motion of Dance, the Committee on Printing was directed to procure fifty copies of the list of the standing committees of the Council printed on card-board.

Council took a recess until 2 o'clock.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Council adjourned untill to-morrow at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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## SIXTH DAY.

JANUARY 10, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

A communication was received from the House through Chief Clerk Barrett, as follows :



HOUSE OF REPRESENTATIVES,  
VIRGINIA CITY, January 9, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following notices for the introduction of bills and memorials have been given in the House:

By Sanders: A Memorial entitled H. J. M. No. 1, in relation to the Yellowstone National Park.

Also, A Memorial entitled H. J. M. No. 2, in reference to the Penitentiary of Montana.

Also, A bill for An Act to attach to the county of Madison that portion of country which by an act of Congress approved Feb. 17, 1873, and entitled An Act to readjust the western boundary of Dakota Territory, was attached to the Territory of Montana.

Also, A bill for An Act entitled An Act to fix the time of the future meetings of the Legislative Assembly, approved  
—— A. D. 1873.

By O'Keefe: Of a bill to amend an act of the codified statutes authorizing the Commissioners of Missoula county to levy a special tax to purchase toll roads and bridges.

BARRETT, *Chief Clerk.*

Notices of the introduction of bills were given as follows:

By Yager: Of a bill concerning county finances.

Of a bill to authorize the Territorial Treasurer to issue bonds.

By Barber: To amend an act entitled An Act providing for the collection of revenue.

Of a bill to amend an act entitled An Act concerning the appropriation of moneys collected for license taxes.

By Dance: Of a bill relating to roads and highways.

By Newcomer: Of a bill to amend certain sections of An Act to provide for a system of common schools.

Arick introduced the following resolution, to wit:

*Resolved*, That the thanks of the Council be and they are hereby tendered to James H. Mills, editor and proprietor of the *New North West*, for the neat and beautiful calendars for 1874, presented to the members of the Council.

ARICK.

Which was adopted.

On motion of Maillet, the Council went into an election for Chaplain.

Yager nominated the Rev. Father Kelleher.

Stuart nominated Rev. F. A. Riggin.

Newcomer nominated Rev. J. R. Russell.

Dance nominated Rev. H. Duncan.

The ballot being taken, and the Rev. Father Kelleher having received a majority of all the votes cast, the President declared Rev. Frank Kelleher duly elected Chaplain of the Council.

On motion of Garrigan, a committee, consisting of Garrigan and Walker, was appointed to wait on Father Kelleher and inform him of his election to the office of Chaplain of the Council.

Garrigan introduced C. B. No. 9: A bill for An Act to require butchers and slaughterers to give bonds and keep a record of the animals purchased and slaughtered by them. Read first and second times and referred to the Committee on Agriculture and Manufactures.

Garrigan introduced C. C. R. No. 1, appropriating \$117 to the *Gazette* Publishing Company, for papers furnished the Assembly at the Extraordinary Session thereof in 1873.

On motion of Beattie, the resolution was amended so as to make a like appropriation to the Helena *Herald* for papers furnished at the same time. Read first and second times and referred to the Committee on Printing.

A communication was received from His Excellency, the Governor, through his private Secretary, Dr. Callaway, transmitting certain documents of the American Society for the Prevention of Cruelty to Animals, as follows, to wit:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, January 9, 1874. }

*To the Legislative Assembly:*

I have the honor to transmit to the Legislative Assembly the Sixth Annual Report of the American Society for the Prevention of Cruelty to Animals, and the By-Laws of said Society.

Also a copy of the laws of the State of New York, enacted for the prevention of cruelty to animals.

Respectfully,

B. F. POTTS, *Governor.*

Read and referred to the Committee on Agriculture and Manufactures.

On motion of Yager, Hon. John P. Barnes was invited to a seat on the floor.

On motion of Garrigan, a committee of three, consisting of Garrigan, Maillet and Stuart, was appointed on mileage.

Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called — all present.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
VIRGINIA CITY, January 10, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following bills were introduced in the House:

By Sanders: H. B. No. 1: An Act to attach to the county of Madison that portion of country which by an act of Congress approved Feb. 17, 1873, entitled An Act to readjust the western boundaries of Dakota Territory.

By Harrington: H. B. No. 2, An Act in relation to trade marks and brands.

C. B. No 6, An Act to provide for the support and maintenance of the Helena Fire Department, was passed.

The Rev. Prout was elected Chaplain of the House.

The following notices of bills were given:

By Ezekiel: An Act to provide for the election of County Assessors.

By Coleman: An Act to amend secs. 34, 35 and 36 of the civil practice act.

Also, An Act to provide for the prosecution of criminals.

Also, An Act to amend secs. 120 and 125 of the civil practice act.



By McCauley: An Act to amend section 629, chapter 2, of the codified laws.

By Sanders: An Act to relieve such persons as have lost property by fire or other elements from unjust assessments thereon, and to remit certain taxes to such persons.

By Stafford: An Act changing the boundary of Madison county.

A. H. BARRETT, *Chief Clerk.*

Newcomer, from the Committee on Printing, reported the list of standing committees of the Council correctly printed.

Garrigan, from the Select Committee on Mileage, reported as follows, to wit:

MR. PRESIDENT—Your Special Committee on Mileage of members of the Council, would beg leave to report:

That they find the members have and must necessarily travel in coming to the Capitol and returning to their homes the number of miles set respectively opposite their names:

R. E. Arick, 240 miles; O. B. Barber, no miles; A. H. Beattie, 240 miles; Chas. Cooper, 430 miles; W. B. Dance, 360 miles; J. J. Davis, 180 miles; Owen Garrigan, 374 miles; L. B. Maillet, 600 miles; D. P. Newcomer, 360 miles; J. C. Stewart, 350 miles; J. C. Walker, 240 miles; E. F. Yager, — miles; G. W. Stapleton, 150 miles.

All of which is respectfully submitted.

[Signed]

OWEN GARRIGAN, *Chairman.*

Report adopted and committee discharged.

Garrigan, from select committee to inform the Chaplain of his election, reported as follows, to wit:

MR. PRESIDENT—Your special committee who were appointed to notify Rev. Father Kelleher of his election as Chap-

lain of the Council, would respectfully report that they have discharged that duty, and would inform the Council that the Rev. Father has accepted the position, and will enter upon the discharge of his duties on Monday morning.

All of which is respectfully submitted.

[Signed]

OWEN GARRIGAN,  
WALKER.

Report accepted and committee discharged.

Dance was granted leave of absence till Monday at 10 o'clock  
A. M.

Barber and Garrigan, from the special committee to whom was referred the matter of the application of Hon. John P. Barnes for a seat in this House, submitted the following majority report :

MR. PRESIDENT—Your special committee, to whom was referred the subject matter of the contested seat of the Hon. A. H. Beattie, member of Council from the Third Council District, would respectfully submit the following majority report :

That we find at the regular election, held in the year A. D. 1872, John P. Barnes was duly elected to represent the said Council District for the term of two years, commencing on the first day of December of that year; and, in the opinion of the majority of your committee, the said Barnes is entitled to his seat in the Council.

All of which is respectfully submitted.

O. B. BARBER,  
OWEN GARRIGAN.

Arick, chairman of the special committee to whom was referred the matter of the application of Hon. John P. Barnes for a seat in this House, submitted the following minority report thereon :

MR. PRESIDENT—In the matter of the contest of J. P. Barnes for the seat in the Council now occupied by A. H. Beattie, the chairman of your select committee would beg leave to submit the following minority report:

Preliminary to any enquiry as to when the elections transpired, and when was the commencement, and when the end of a term, it will be proper to enquire under what circumstances a claim should be permitted, if at all.

The claim of Mr. Barnes must stand either as a private right or as a public duty. Considering the claim as one of private right, it may be said, First, It is a rule of law enforced by courts and every department of government, that a private right must be insisted upon promptly, or it will be lost by *laches*.

The extraordinary session of April and May, 1873, called by the Governor, was not attended by Mr. Barnes, but by Mr. Beattie's predecessor. The excuse of Mr. Barnes that he had no certificate then, may be answered by saying that he has none now, or no valid one, issued by those who counted his votes. He could not attend as a Councilman by proxy. He gave out and represented to the people of his district that Mr. Fisher was the Councilman, and that time having transpired, the people have elected Mr. Fisher's successor.

Not supposing it material, the people did not indicate whether Mr. Walker, Mr. Beattie or myself was elected as the successor of Mr. Fisher, and the Council cannot say which one of the three is the successor of Mr. Fisher. The question is not settled by saying this or that member had the fewest votes, for the one the people intended to be Mr. Fisher's successor may have had the fewest or the most votes.

Second. But the statute intervenes. Revised Statutes, pages 468, 9, section 42: "Every office shall become vacant on the happening of any of the following events: \* \* \* Sixth: His neglect to take the oath office."

There was a palpable neglect by Mr. Barnes during an entire session of such importance as to come within the definition of "extraordinary," specially convened by the volition of

the Governor. Whenever before the expiration of the term of office such neglect transpires, it operates *per se* to create a vacancy.

Any other interpretation of the statute would present the absurdity of not creating a vacancy in the office by neglect until it had actually occurred by limitation of law, an absurdity no one would desire to face or father.

It seems clear, then, that there has been an abandonment by Mr. Barnes of any position which his claim indicates he once had, and that, as a private right, and as a public duty, as well on the facts as claimed by him, he does not now hold the office he claims, if it were true that he was once properly elected to it. The people cannot be protected by permitting this claim to be set up at this late day, and if the claim were allowed, the person to vacate a seat from the Third District should be determined by lot—a proceeding unquestionably unfair, but which has, however, attributes of fairness, which the proposition to arbitrarily select Mr. Beattie as the sacrifice does not possess.

Third. As fortifying the proposition that an abandonment of public duty by absence is held in law to amount to a resignation, or operates to create a vacancy, it may be said that in all the departments of the Government the rule is enforced, if such absence is without leave. Further, it may be said the precedents in this Territory for such action are not rare.

Fourth. No less than four times in the history of the Legislative Assembly of Montana have members held their seats without question upon just such tenures of office as according to Mr. Barnes's statement Mr. Beattie now holds his. In the House of the present session the absence of Mr. Delaney at the extraordinary session, his neglect to take the oath of office, was held to operate as creating a vacancy, and Mr. Arnoux, who had been elected in his stead, was sworn in without question. This much under the head of private right, and whatever of claim Mr. Barnes had to the office as private property, he has lost it in equity, in fairness and in law.

It remains to be considered on what foundation can his

claims stand as a matter of public duty to be by him discharged, and as to this it may be said that if by the law of the Territory he has lost his office, he has in effect, if not in form, resigned, no public duties devolve upon him, and their assumption by him would amount to no more than their assumption by any other private person an ex-member of the Council. His alleged election occurred in 1872, since which time new issues have come before the people, and it would be a violent presumption to suppose that he so fairly reflected the popular will as a person elected by the same constituency one year thereafter, so that for that reason there is no commanding public reason why the Council should give life to an abandoned claim for the purpose of ousting a person elected and admitted as a member of the Council.

Public considerations here as elsewhere enter into the question, and dictated the passage of the foregoing statute. A constituency ought not to go without representation, and if the theory upon which Mr. Barnes claims this seat be true, then is it in the power of a Councilman to refuse to appear in his seat, and unless the foregoing interpretation of our statute be correct, he can prevent any one else from appearing, and wholly stifle the voice of his constituents. He may or may not, as he chooses, appear on the last day of the session, and draw his mileage and per diem, leaving his district without remedy, and to prevent this injustice this act was passed. But the Council by its most solemn act stands committed against Mr. Barnes. At the Extraordinary Session, it, by admitting Mr. Fisher, committed itself to the expiration of Mr. Fisher's term to December, 1873. He came here, was admitted, joined in making laws, and now the Council is asked to reverse that former decision, to declare in effect, if not in words, that its former action was wholly illegal.

But aside from all these considerations, the theory that Mr. Barnes was elected when he claims to have been was wholly false. The law could have provided, if such had been the desire of the Legislative Assembly, that when a vacancy was filled by election, the elected officer should only hold during



the original term for which the person resigning was elected. This provision does sometimes occur in statutes, but it as often occurs where the Council or other body is a continuing body as this Council is, that the statute steps in and says, when a person is elected his term shall begin on some ensuing day, and that he shall hold for two years or some other period. This is our express Statute. Why a man was elected is not material; when he was elected not important. But the statute says he shall hold the office two years. This is the view the Council took of the election of Mr. Fisher. It is said it makes no difference why he was elected or whose successor he is. He has been elected. The December when his term began was December 1871, and his term by our statute expires in December, 1873. This is the way Mr. Barnes regarded it; this is the way Mr. Wells, the county clerk of Jefferson county regarded it. This is the view of the Council at its extraordinary session in 1873, and it was the view of the people of all political parties in that Council District at the election in 1873, and against the express words of the statute; against so much concurrent interpretations of it by everybody and person interested in it, and it indicates some hardihood to assert a different interpretation, especially when it is in exact defiance of former precedent and the language of the law; sec. 35 of revised statutes, pp. 467, would have read differently, and it would have been expressly provided that the term of a person, instead of extending two years, should terminate with the term for which the person resigning was elected. As fortifying the proposition that it cannot be said except on a determination by lot whose seat Mr. Barnes should contest, it must be said that if his theory is a correct one, whoever voted in 1873 for a successor to Mr. Fisher cast a vote that was an absolute nullity. It is of no more force here, it was of no more force then, than so much blank paper.

The theory of our government is, that it is a government of the people. Is the property of an individual in an office of such special and peculiar character, that though *laches* or otherwise, it may be used as a power to defeat the wishes of

the people? Good conscience, equity, and justice would dictate otherwise.

I am clearly of the opinion that Mr. Beattie should retain his seat.

Respectfully submitted,

R. E. ARICK.

The reports were received and read, and referred to the Committee of the Whole, and made the special order for Monday morning at 10:30 o'clock.

Beattie submitted his protest to the entertaining the matter as follows :

*To the Honorable, the Legislative Council :*

By the report of the majority of the select committee, to which was referred the application of Hon. J. P. Barnes to a seat in the Legislative Council, it appears that his application has, in fact and in form, been narrowed down to a contest of the seat occupied by me. Protesting that there are no valid reasons existing why the contest should assume this form, I yet insist that if Mr. Barnes's claim stands in such a situation, it must stand or fall by those rules of law and parliamentary practice by which such matters are ordinarily governed. One of these rules applicable to every controversy is, that the contestant shall give to the person whose seat he claims, within a limited period that is reasonable, a notice that he claims such person's seat. This principle obtains everywhere and is essential to give jurisdiction, while it is but equitable as permitting the person whose seat is contested opportunity to prepare himself, not only for the controversy itself, but also for the exigency of the situation, whatever it may be.

I beg leave to refer the Honorable Members of the Council to page 94 of Barclay's Digest, for the rule which prevails in the House of Representatives; and I might add many authorities showing that the rule is of universal application.

I protest, therefore, that the period has passed within which this notice should have been given, and that it is too late now, when my time is fully occupied with the labors and duties of the session, to require me to prepare for a controversy, which, on every principle of justice and law, I should have had an opportunity to prepare for during the vacation now past.

Respectfully,

ALEX. H. BEATTIE.

On motion of Davis the parties to the contest were permitted to introduce additional evidence as they may desire.

Newcomer introduced C. B. No. 10, to amend sec. 13, chap. 34, of the codified general laws. Read first and second times and referred to Judiciary Committee.

C. B. No. 6, to support the Helena fire department, having been returned from the House, passed, was ordered enrolled.

Council adjourned until Monday morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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## EIGHTH DAY.

JANUARY 12, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

The Chaplain invoked the Divine Blessing.

Journal of Saturday read and approved.

Davis introduced C. B. No. 11, a bill to amend section 38 of chapter 21 of general and miscellaneous laws, approved January 12, 1872, read first and second times and referred to Judiciary Committee.

The hour 10:30 o'clock having arrived, the Council went into Committee of the Whole on the special order, to-wit:

The matter of the application of Hon. J. P. Barnes for the seat in this body now occupied by Hon. Alex. H. Beattie.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock p. m.

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2 o'clock p. m.—Council resumed. Mr. President in the chair.

Roll called—all present.

Dance, from the Committee of the Whole, reported progress in consideration of the matter of the application of Hon. J. P. Barnes for a seat in this body, and asked leave to sit again at 2:5 o'clock p. m.

Report adopted.

On motion of Newcomer, Council went into Committee of the Whole on the special order—the matter of the contested seat of Hon. A. H. Beattie.

Council resumed—Mr. President in the chair.

A communication was received from the House, through their assistant clerk, W. W. Chapman, as follows, to-wit:

HOUSE OF REPRESENTATIVES,  
 VIRGINIA CITY, Jan. 13, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following notices of bills have been given in the House:

By Mead: Of a bill for an act to amend chapter 1 of the general and miscellaneous laws of Montana territory, approved January 12, 1872, entitled An Act in relation to administrators and executors.

By Sanders: Of a bill for an act to provide for the publication of the decisions of the Supreme Court of the territory of Montana.

Also, a bill for an act to repeal an act entitled An Act to provide for the forfeiture of placer claims held by aliens, approved January 12, 1872.

That Coleman, Curtis, and Stafford have been appointed a joint select committee on the part of the House to act with a like committee from the Council, to examine the Auditor's and Treasurer's books, etc., and report on the same at their earliest convenience.

Respectfully,

W. W. CHAPMAN, *Assistant Clerk.*

Newcomer, from Committee of the Whole, to whom was referred the report of the Select Committee, to whom was referred the matter of the application of the Hon. J. P. Barnes for a seat in this House, made the following report, to-wit:

MR. PRESIDENT—Your Committee of the Whole, to whom was referred the report of the Select Committee, to whom was referred the matter of the application of the Hon. John P. Barnes for a seat in this House, beg leave to report that they have had the same under consideration and report the same back to the Council with the recommendation that it be not adopted.

[Signed]

NEWCOMER, *Chairman.*



On motion of Arick, the report of the Committee of the Whole was adopted by the following vote:

*Ayes*—Arick, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Walker and Mr. President—9.

*Noes*—Barber, Stuart and Yager—3.

Excused from voting—Beattie—1.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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## NINTH DAY.

JANUARY 13, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the House through their Assistant Clerk, Chapman:

HOUSE OF REPRESENTATIVES, }  
January 13, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body, that the following notices of bills have been given in the House:

By Mallory: Of a bill for an act regulating the use of threshing machines.

By Mead: Of a bill for an act to amend chapter 2, title 16, of the civil practice act.

By Coleman: Of a bill for an act to amend section 186 of an act entitled, *An Act to regulate proceedings in civil cases in courts of justice in the Territory of Montana.*

That Ezekiel has introduced H. B. No. 4, for an act to provide for the election of county assessors.

That Coleman has introduced H. B. No. 7, for an act to amend sections 34, 35, 36, and 45 of the civil practice act.

That Sanders has introduced H. B. No. 5, for an act to repeal the alien law, which has passed the House.

That McCauley has introduced H. B. No. 6, for an act to amend section 629 of chapter 2 of the civil practice act, approved Jan. 12, 1872.

Respectfully,

W. W. CHAPMAN,

*Assistant Clerk of the House.*

Newcomer, from Printing Committee, reported back C. C. R. No. 1 with amendments, appropriating twenty-four dollars each to the *Independent* and *New Northwest* for papers furnished to members at the extraordinary session, and recommended its passage as amended.

Report adopted, and the resolution ordered engrossed.

Arick, from Judiciary Committee, reported back C. B. No. 10, to amend sec. 34 of chap. 17 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12, 1872, recommending its passage.

Report adopted.

Bill read third time and passed by the following vote :

*Ayes*—13.

*Nays*—None.

Title agreed to.

Also, from same committee, C. B. No. 3, to amend "China Law," with recommendation that it be indefinitely postponed.

Report adopted, and bill indefinitely postponed.

The following notices of bills were given :

By Beattie : Of a bill for an act defining and extending the jurisdiction of justices of the peace.

By Stuart : Of a bill for an act to amend an act entitled, An Act to regulate proceedings in the courts of justice of the Territory of Montana.

By Garrigan : Of a bill for an act to regulate tolls on roads, bridges and ferries.

On motion of Newcomer, a committee of three was appointed, consisting of Maillet, Davis and Barber, to act with a like committee appointed by the House, to examine the Auditor's and Treasurer's books.

H. B. No. 5, to repeal an act entitled An Act to provide for the forfeiture to the Territory of placer mines held by aliens, approved Jan. 12, 1872, read first and second times.

Dance moved to indefinitely postpone the bill.

On motion of Beattie, the motion to indefinitely postpone was laid on the table by the following vote :

*Ayes*—Arick, Barber, Beattie, Davis, Walker, Yager, Mr. President—7.

*Nays*—Cooper, Dance, Garrigan, Maillet, Newcomer, and Stuart—6.

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway.

The President announced that he was in possession of a communication from His Excellency, the Governor, which, in his opinion, should be considered in executive session.

On motion of Arick, the Council went into executive session.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Yager.

Quorum present.

Garrigan and Barber, from Committee on Agriculture and Manufactures reported back C. B. No. 9, to require butchers to give bonds and keep a record, with amendments and recommendation that the same do pass as amended.

Report adopted, and bill ordered engrossed.

Cooper, from same committee, submitted a minority report on the same bill without recommendation.

Communications were received from His Excellency, the Governor, through his private secretary, Dr. Callaway, as follows, to-wit:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Jan. 13, 1874. }

*To the Legislative Assembly:*

The memorial adopted by the Denver convention on the subject of irrigation, is hereby submitted for the information of the Legislative Assembly.

Respectfully,

B. F. POTTS, *Governor.*

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Jan. 13, 1874. }

*To the Legislative Assembly:*

I have the honor to submit for your information, a communication from the Hon. Daniel J. Morrill, chairman of the executive committee of the U. S. Centennial Commission.

Also, one from the Hon. A. T. Goshorn, Director General of the U. S. Centennial Commission, together with information for the exhibitor, and proclamation of the President of the United States, announcing the time and place of holding the International Exhibition of arts, manufactures, and products of soil and mines, in the year 1876.

I commend this subject to your most favorable consideration, and trust that you will not hesitate to provide by appropriate legislation, for giving the products of Montana a prominent place at said exhibition.

I suggest the appointment of a board composed of some of the most influential citizens of the Territory, to aid in the collection of the products of the Territory, to be forwarded as early as the Autumn of 1875, to Philadelphia.

Respectfully,

B. F. POTTS, *Governor.*



The subject matter of these communications was referred to the Committee on Federal Relations.

Newcomer introduced C. B. No. 12, a bill for an act to authorize married women in their own name to transact business as sole traders, read first time, rules suspended, second reading dispensed with, and ordered printed.

On motion of Garrigan, C. B. No. 2, a bill for an act defining the rights of married women, was recalled from the Judiciary Committee and ordered printed.

Maillet introduced C. B. No. 13, a bill for an act to amend an act concerning licenses, read first and second times and referred to Committee of Ways and Means.

On motion of Davis, the Sergeant-at-Arms was instructed to procure a list of the titles of the Acts passed at the extraordinary session.

Arick introduced the following resolution, to-wit :

*Resolved*, That the petition of the Hon. J. P. Barnes, asking that he be admitted as a member of this Council from the third Council District, be, and the same is hereby rejected.

Which was adopted by the following vote :

*Ayes*—Arick, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Walker, Mr. President—9.

*Nays*—Barber, Stuart, Yager—3.

Excused—Beattie—1.

Council adjourned until to-morrow at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## TENTH DAY.

JANUARY 14, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Newcomer, from the Committee on Printing, reported that the committee had contracted for the printing for the two Houses at the rate of \$1.50 per thousand ems in addition to the pay allowed by government.

On motion of Garrigan, the report was recommitted with instructions to obtain the lowest bid possible for the work, and report to this House, by the following vote :

*Ayes*—Barber, Davis, Garrigan, Maillet, Stuart, Yager and Mr. President—7.

*Noes*—Arick, Beattie, Cooper, Dance, Newcomer and Walker—6.

A communication was received from the House, through assistant clerk Chapman, as follows, to-wit :

HOUSE OF REPRESENTATIVES, }  
January 14, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body :

That Curtis has given notice of a bill for an act to amend An Act apportioning the Council districts of the territory of Montana.

That H. B. No. 3, for An Act authorizing the disposal of surplus moneys in the poor and other funds in the treasuries of the several counties, has passed the House.

That Stafford has introduced H. B. No. 8, for An Act to amend section 4 of chapter 20 of an act revising, re-enacting and codifying the general and permanent laws of Montana territory, approved January 12, 1872.

Respectfully,

W. W. CHAPMAN,

*Asst. Clerk of the House of Representatives.*

Notices of the introduction of bills were given as follows:

By Arick: Of a bill for an act to abolish private seals.

By Newcomer: Of a bill for an act to provide for filling vacancies in office.

The following bills were introduced :

By Stuart: C. B. No. 15, for an act to amend An Act regulating proceedings in civil cases in the courts of justice in Montana, read first and second times and referred to Judiciary Committee.

By Davis: C. B. No. 16, for an act to provide for the certifying and canvassing the votes and certifying the elections in more than one county, read first and second times and referred to Committee on Elections.

By Beattie: C. C. R. No. 2, appropriating one hundred dollars to Hon. J. Barnes to defray his expenses in contesting the seat of A. H. Beattie, member from the third Council district, read first and second times and referred to Committee on Ways and Means.

By Dance: C. C. R. No. 3, to authorize Select Committee to examine Auditor's and Treasurer's books to employ a clerk,

read first time and made special order for to-morrow at 11 o'clock.

On motion of Davis the Committee on Agriculture and Manufactures was instructed to inquire into the expediency of a law regulating the tolls to be charged by flouring mills, etc., and to report by bill or otherwise.

On motion of Davis, the vote by which the sergeant-at-arms was instructed to procure a list of the acts passed at the extra session, was reconsidered and by leave withdrawn.

Davis then introduced a resolution instructing the Committee on Printing to procure such list and have the same printed for the use of the members and clerks.

Made special order for the 16th inst. at 11 o'clock A. M.

H. B. No. 3, to authorize disposal of surplus funds in county treasuries, read first and second times and referred to Committee of Ways and Means.

H. B. No. 5, to repeal the alien law, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Newcomer, Stuart, Walker, Yager and Mr. President—10.

*Noes*—Cooper, Dance and Maillet—3.

On motion of Arick, the door-keeper was given leave of absence for two days.

Council took a recess until 2 o'clock P. M.

2 o'clock p. m.—Council resumed. Mr. President in the chair.

Roll called — all present.

Garrigan, from Engrossing Committee, reported C. C. R. No. 1, and C. B. No. 9, requiring butchers to give bonds, both correctly engrossed.

Dance, from Committee of Ways and Means, reported back C. C. R. No. 2, appropriating one hundred dollars for defraying the expenses of J. P. Barnes in contesting the seat of Hon. A. H. Beattie from the third Council district, without recommendation.

Rules suspended, resolution considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Beattie, Dance, Garrigan, Maillet, Newcomer, Stuart, Walker and Mr. President—9.

*Noes*—Barber, Cooper, Davis and Yager—4.

Title agreed to.

A communication was received from the House, through assistant clerk Chapman:

HOUSE OF REPRESENTATIVES, }  
January 14, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices for the introduction of bills have been given:

By Arnoux: A bill providing for the changing of the boundaries of Choteau county.



By Alger: A bill regulating marriages in the territory of Montana.

House substitute for C. B. No. 8, An Act to regulate the rights of parties in the publication of legal notices, has passed the House.

Respectfully,

W. W. CHAPMAN, *Asst. Clerk.*

The following bills were introduced to-wit:

By Yager: C. B. No. 17, for an act to provide for the collection of statistics, read first and second times and referred to Committee on Agriculture and Manufactures.

By Barber: C. B. No. 18, for an act to amend an act entitled An Act to provide for the collection of revenue, read first and second times and referred to Committee of Ways and Means.

By Beattie: C. B. No. 19, for An Act extending and defining the criminal jurisdiction of justices of the peace, read first and second times and referred to Judiciary Committee.

C. C. R. No. 1, referred to Committee on Printing.

C. B. No. 9, butcher's bond bill, read third time and lost by the following vote:

*Ayes*—Barber, Beattie, Garrigan and Mr. President—4.

*Noes*—Arick, Cooper, Dance, Davis, Maillet, Newcomer, Stuart, Walker and Yager—9.

The Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

## ELEVENTH DAY.

JANUARY 15, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—absent on leave, Garrigan and Newcomer.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Beattie gave notice of a bill for an act providing a punishment for breaking jail.

Newcomer, from Committee on Printing, reported back C. C. R. No. 1 with amendments. Amendments adopted, and bill as amended ordered engrossed.

Barber, from Joint Committee on Enrollment, reported C. B. No. 6, to provide for the support of the Helena fire department, and H. B. No. 5, to repeal alien law, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 6 and H. B. No. 5.

C. B. No. 8, relating to publication of legal notices with House amendments thereto, taken up. House amendments adopted, and bill ordered enrolled.

Council took a recess until 11 o'clock.

Council resumed. Mr. President in the chair.

Roll called—all present.

Council went into Committee of the Whole on the special order, C. C. R. No. 3.

Council resumed. Mr. President in the chair.

Barber, from Joint Committee on Enrollment, reported C. B. No. 6, for support of Helena fire department, and H. B. No. 5, to repeal alien law, presented to the Governor for his approval at 10:45 o'clock A. M. this day.

Garrigan, from Committee of the Whole, reported back C. C. R. No. 3 with amendments, and recommendation that it do pass as amended. Amendments adopted, resolution further amended and ordered engrossed.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES, }  
January 15, 1874. }

MR. PRESIDENT—I am directed by the House to inform your honorable body that notices for the introduction of bills have been given :

By Harrington : An act concerning county officers.

By Arnoux : A bill for an act to amend an act entitled An Act to locate the seat of government of Montana Territory, approved February 7, 1865, and the amendatory acts.

By Alger : A bill to amend sec. 142, chap. 4, of an act entitled An Act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana, approved January 12, 1872.

By Ezekiel : An act to amend sec. 51 of chap. 23 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12, 1872.

That the Ways and Means Committee introduced H. B. No. 9, a bill for an act to amend an act entitled An Act concerning the appropriation of moneys collected for license taxes, approved January 9, 1872.

By Coleman: H. B. No. 10, a bill for an act to amend sec. 186 of an act entitled An Act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana.

Aiken introduced H. J. R. No. 1, compensating L. M. Todd for transporting ordnance stores.

I herewith return C. B. No. 8.

Respectfully,

BARRETT, *Chief Clerk.*

Garrigan, from Committee on Engrossment, reported C. C. Rs. Nos. 1 and 3 correctly engrossed.

C. C. R. No. 1 taken up, read third time and passed by the following vote:

*Ayes*—12.

*Nays*—None.

Absent—Stuart—1.

Title agreed to.

C. C. R. No. 3 taken up, read third time and passed by the following vote:

*Ayes*—11.

*Nays*—None.

Absent—Stuart and Dance—2.

Title agreed to.

Council took a recess until 2 o'clock P. M.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Garrigan, from Committee on Elections, reported back C. B. No. 16, recommending its passage. Read for information and recommitted to Committee on Elections.

Newcomer, from Committee on Printing, reported C. Bs. Nos. 2 and 12, relating to rights of married women, correctly printed.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES, }  
January 15, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills have been given :

By Emerson : A bill for an act to amend an act entitled An Act relating to counties and county officers, approved January 12, 1872.

By Tate : A bill to regulate tolls in the flouring mills of this Territory.

By Kerley : A bill for an act to amend an act in relation to county commissioners, approved January 9, 1872.

That Alger introduced H. B. No. 11, a bill for an act to amend an act entitled An Act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana, approved January 9, 1872.

Also, H. B. No. 12, a bill for an act in relation to matrimony.

That H. B. No. 12 was rejected.



That H. B. No. 9 has passed the House.

That H. J. R. No. 1 has passed the House.

Respectfully,

BARRETT, *Chief Clerk.*

Notices of the introduction of bills were given as follows :

By Maillet : Of a bill relating to penalties for persons who commit offenses against the peace, and who have no means of paying the fines imposed upon them.

By Cooper : Of a bill authorizing the county commissioners of Deer Lodge county to levy a special tax for the purpose of buying bridges and toll roads.

By Newcomer : Of a bill in relation to dower.

By Beattie : For an act providing for marriage settlements.

Arick introduced C. B. No. 20, a bill for an act to abolish private seals, read first and second times and referred to Judiciary Committee.

H. J. R. No. 1, for the relief of L. M. Todd, read first and second times and referred to Committee on Military Affairs.

H. B. No. 9, a bill for an act to amend an act concerning the appropriation of moneys collected for license taxes, read first and second times and referred to Committee of Ways and Means.

C. Bs. Nos. 2 and 12, concerning the rights of married women, referred to Judiciary Committee.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## TWELFTH DAY.

JANUARY 16, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Garrigan, from Committee on Elections, reported C. B. No. 16, a bill for An Act for the certifying and canvassing the votes and for certifying the election of officers elected by more than one county, with amendments.

Report adopted.

And bill, as amended, ordered engrossed.

Arick, from Judiciary Committee, reported C. B. No. 20, to abolish private seals, with the recommendation that it do pass.

Rules suspended, bill considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker and Mr. President—11.

*Noes*—None.

Absent—(Excused) Newcomer and Yager—2.

Title agreed to.

Walker, from Committee on Military Affairs, reported back H. J. R. No. 1, for the relief of L. M. Todd, with the recommendation that it do pass.

Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker and Mr. President—10.

*Noes*—Beattie—1.

Absent—(Excused) Newcomer and Yager—2.

Title agreed to.

Notices of the introduction of bills were given as follows :

By Garrigan: Of a bill for an act providing for the payment by the territory of a proper proportion of the cost of collecting taxes and revenue by suit.

By Davis: Of a bill for An Act concerning the approval of official bonds, and the custody of official bonds and oaths.

Also, of a bill for An Act to regulate the rendering of judgment on plea of guilty in cases of assault and battery.

The following communication was received from the House, through chief clerk Barrett, to-wit:

HOUSE OF REPRESENTATIVES, }  
January 16, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body :

That Arnoux introduced H. B. No. 13, a bill for An Act to amend section 9 of chapter 20 of an act revising, re-enacting and codifying the general and permanent laws of Montana territory, approved January 12, 1872.

By Ezekiel: H. B. No. 14, An Act to amend section 51, chapter 23, of an act revising, re-enacting and codifying the general and permanent laws of Montana territory, approved January 12, 1872.

And that H. B. No. 14 was passed.

H. B. No. 2, An Act in relation to trade marks and brands, was passed.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

A communication was received from the citizens of Helena which was read and referred to the Committee on Towns and Counties.

Council took a recess until 11 o'clock.

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11 o'clock.—Council resumed. Mr. President in the chair.

Quorum present.

The special order, to-wit:

The resolution directing the Printing Committee to procure from the secretary of the territory a list of the acts of the Assembly at the Extraordinary Session of 1873, and have the same printed for the use of the members, was taken up, read and adopted.

Barber, from Joint Committee on Enrollment, reported C. B. No. 8, relating to the rights of parties in the publication of legal notices, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 8.

Council took a recess until 2 o'clock p. m.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Maillet presented a petition from the county commissioners and citizens of Missoula county, which was read and referred to a special committee, consisting of the members from the second Council district.

Garrigan, from Engrossing Committee, reported C. B. No. 16, to provide for canvassing and certifying votes and election of officers, correctly engrossed.

Read third time and passed by the following vote :

*Ayes*—Beattie, Cooper, Dance, Davis, Stuart, Walker, Yager and Mr. President—8.

*Noes*—Arick, Garrigan, Maillet and Newcomer—4.

Absent on committee duty—Barber—1.

Title agreed to.

H. B. No. 2, a bill in relation to brands and marks, read first time, second reading dispensed with, and referred to Committee on Agriculture and Manufactures.

H. B. No. 14, to amend election law, read first and second times and referred to Judiciary Committee.

Maillet introduced C. J. M. No. 1, in relation to lands in the Bitter Root valley, read first and second times, rules suspended, considered engrossed, read third time and passed :

*Ayes*—13.

Title agreed to.

Barber, from Joint Committee on Enrollment, reported C. B. No. 8, to regulate the rights of parties in the publication



of legal notices, presented to the Governor for his approval, at 2:20 o'clock this P. M.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. S. M. CARPENTER, *Chief Clerk.*

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### THIRTEENTH DAY.

JANUARY 17, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Maillet, by leave, withdrew the petition heretofore presented from officers and citizens of Missoula county.

Newcomer, from Committee on Printing, reported progress, submitting with the report the bids for printing received by the committee.

On motion of Yager, the committee was instructed to contract for such work as may be needed by this Council, at the rate named in the bids, to-wit; Seventy-five cents per one thousand ems.

Cooper, from Committee on Agriculture and Manufactures, reported back H. B. No. 2, relating to brands and marks, with the recommendation that it be referred to the Committee of the Whole.

Report adopted, and bill so referred.

The following communication was received from His Excellency the Governor, through his private secretary, Dr. Callaway, returning C. B. No. 6, providing for the support of the Helena fire department, with his objections to the same becoming a law:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, January 16, 1874. }

*To the Council:*

I have the honor to return to the Council C. B. No. 6, entitled An Act for the support of the Helena fire department, without my approval.

I object to the bill because: Under its provisions no levy of taxes can be made for the support and maintenance of the Helena fire department during the present year. The bill provides that the taxes to be levied under its provisions shall be levied "in the same manner and at the same time as are the general taxes of said Lewis and Clark county." The general taxes for said county were levied on the 5th inst. and no further levy can be for the present year unless by express authority of law.

I return the bill because it does not authorize a levy the present year, when the wants of the fire department appear to demand it.

Respectfully,

B. F. POTTS, *Governor.*

Which was read, and immediately spread at large on the Journal.

The vote by which the bill passed the Council was reconsidered, and upon the question, Shall the bill pass, the objection of the Governor to the contrary notwithstanding? the bill was passed by the following vote, more than two-thirds of the Council voting aye:

*Ayes*—Arick, Barber Beattie, Dance, Garrigan, Maillet, Newcomer, Walker, Yager and Mr. President—10.

*Noes*—Cooper, Davis and Stuart—3.

The following communication was received from the House, through chief clerk Barrett:

HOUSE OF REPRESENTATIVES,  
VIRGINIA CITY, Jan. 16, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the following notices have been given:

By Brown: A bill for an act in relation to estrays.

By Sanders: A bill for an act to punish certain offenders therein defined.

Also, a bill for an act to enlarge the suffrage.

Also, a bill for an act to reduce certain fees of county officers.

That Arnoux introduced H. B. No. 15, an act to amend an act entitled An Act to locate the seat of government of Montana territory.

That Tate introduced H. B. No. 16, a bill for an act in relation to tolls.

That H. J. M. No. 1, in relation to the Yellowstone National Park, has passed the House.

That O'Keefe introduced H. B. No. 17, an act to amend An Act authorizing the county commissioners of Missoula county

to levy a special tax for the purpose of building, buying and repairing bridges in said county.

That C. C. R. No. 2 was indefinitely postponed.

That C. C. R. No. 3 was amended and passed.

That C. C. B. No. 1 was lost.

That C. C. B. No. 10 was lost.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

C. C. R. No. 3, in relation to experts, having been returned from the House with an amendment, was taken up, and the Council refused to concur therein by the following vote:

*Ayes*—Davis and Stuart—2.

*Noes*—Arick, Barber, Beattie, Cooper, Dance, Garrigan, Maillet, Newcomer, Walker, Yager and Mr. President—11.

And the House was respectfully requested to recede therefrom.

Barber, from Joint Committee on Enrollment reported H. J. R. No. 1, for the relief of L. M. Todd, correctly enrolled.

Mr. President announced that he had just signed H. J. R. No. 1.

H. J. M. No. 1, in relation to the Yellowstone National Park, read first and second times and referred to Committee on Federal Relations.

Council went into Committee of the Whole to consider H. B. No. 2, in relation to trade marks and brands.

Council resumed. Mr. President in the chair.

A communication was received from the House, through chief clerk Barrett, as follows :

MR. PRESIDENT—I am instructed by the House to inform your honorable body :

That C. J. M. No. 1 has passed the House.

A. H. BARRETT, *Chief Clerk.*

C. J. M. No. 1, in relation to the lands in the Bitter Root Valley, ordered enrolled.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Newcomer.

Quorum present.

Cooper introduced C. B. No. 21, An Act authorizing the county commissioners of Deer Lodge county to levy a special tax to buy and build roads and toll bridges, read first and second times and referred to a select committee consisting of the delegation from the second Council district.

Council adjourned until Monday morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*



## FIFTEENTH DAY.

JANUARY 19, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Barber, from Joint Committee on Enrollment, reported C. J. M. No. 1, in relation to lands in the Bitter Root Valley, correctly enrolled.

Mr. President announced that he had just signed C. J. M. No. 1.

Newcomer, from the Committee of the Whole, reported back H. B. No. 2, relating to trade marks and brands, recommending that it be made the special order for to-morrow at 11 o'clock A. M.

Report laid on the table.

Newcomer, from Committee on Federal Relations, reported back H. J. M. No. 1, in relation to the Yellowstone National Park, with the recommendation that it do pass. The bill was read the third time and passed by the following vote :

*Ayes*—Arick, Beattie Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Nays*—None.

Absent on committee duty—Barber—1.

Title agreed to.

On motion of Arick, the Council went into Committee of the Whole to consider H. B. No. 2.

Council resumed. Mr. President in the chair.

A communication was received from the House through the Chief Clerk, Mr. Barrett, as follows :

HOUSE OF REPRESENTATIVES,  
VIRGINIA CITY, January 19, 1874. }

MR. PRESIDENT—I am instructed by the House to inform the Council that C. B. No. 6 has passed the House, notwithstanding the objections of the Governor.

That the House refused to recede from their amendment to C. C. R. No. 3.

That Curtis introduced H. B. No. 18: An Act to amend an act entitled an act defining the Council and Representative districts of the Territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved Dec. 13, 1867.

By Coleman: H. B. No. 19, An Act entitled an act to amend sections 48, 53, 84, 138, 236, 253 and 271 of an act entitled an act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana.

That Emerson introduced H. B. No. 20, An Act to amend an act in relation to counties and county officers, approved January 12, 1872.

Respectfully,

BARRETT, *Chief Clerk.*

Newcomer, from Committee of the Whole, to whom was referred H. B. No. 2, in relation to trade marks and brands, reported progress and asked leave to sit again.

Report adopted.

Barber, from Joint Committee on Enrollment, reported C. J. M. No. 1, in relation to lands in the Bitter Root Valley, presented to the Governor for his approval at 10:33 o'clock A. M. this day.

The following communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, January 17, 1874. }

*To the Council:*

I have the honor to inform the Council that I have this day approved C. B. No. 8, entitled An Act to regulate the rights of parties in the publication of legal notices.

Respectfully,

B. F. POTTS, *Governor.*

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called. Absent—Yager.

Quorum present.

Davis presented a petition from the citizens of Gallatin county, asking for the passage of a law to promote the better

observance of the first day of the week. Read and referred to the Committee on Education.

Stuart presented a petition from the citizens of Jefferson county of similar import, which was referred to the same committee.

Davis presented a memorial from the Centennial Commissioners of the Territory of Montana. Read and referred to a select committee, consisting of Newcomer, Davis and Beattie.

Newcomer gave notice of a resolution to pay for papers furnished to the Council at its last Extraordinary Session.

Garrigan introduced C. B. No. 22, a bill for an act in relation to roads and highways. Read first and second times and referred to a committee of one, Garrigan, with instructions.

Beattie introduced C. J. R. No. 4, for the relief of William Thompson and E. H. Bartlett & Co. Read first and second times, and referred to the Committee on Military Affairs.

Also, C. J. R. No. 5, in relation to the reference of certain bills. Read first and second times, rules suspended, resolution considered engrossed, read third time and passed.

Title agreed to.

On motion of Garrigan, the vote by which the Committee on Printing were instructed to contract for the printing for this Council, at the rate of seventy-five cents per thousand ems, was reconsidered, and on further motion of Garrigan, the committee were instructed to request the proprietors of newspapers and printing offices to submit bids for the printing required by the Assembly, and the committee was instructed to report to-morrow morning at 10 o'clock.

Council went into Committee of the Whole to consider H. B. No. 2, in relation to trade marks and brands.

Council resumed. Mr. President in the chair.

Newcomer, from Committee of the Whole, reported back H. B. No. 2, in relation to trade marks and brands, with amendments, and recommendation that the bill as amended do pass.

Report adopted, and amendments ordered engrossed.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## SIXTEENTH DAY.

JANUARY 20, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the House through Chief Clerk Barrett :

HOUSE OF REPRESENTATIVES, }  
January 20, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills have been given as follows :



By Coleman : A bill for an act entitled An Act to make the Probate Judges of the several counties ex-officio county clerks and recorders thereof.

Also : A bill entitled An Act to make sheriffs of the several counties ex-officio treasurers thereof.

By O'Keefe : A bill apportioning the Representative Districts of the Territory of Montana.

By Sanders : A bill for an act entitled An Act to curtail certain expenses.

That Mead introduced H. B. No. 21, An Act regulating the issue, return, and service of summons in the Probate Courts of Montana Territory.

Mr. Brown introduced H. J. M. No. 2, read first and second times, rules suspended, read third time and passed.

That H. B. No 20, an act to amend An Act in relation to counties and county officers, approved Jan. 12, 1872, has passed the House.

Respectfully,

BARRETT, *Chief Clerk.*

Walker, from Committee on Military Affairs, reported back C. J. R., No. 4, for the relief of Thompson, Bartlett, & Co., suggesting an amendment, and recommending its passage when so amended; read third time and re-committed with instructions.

Arick, from the Judiciary Committe, reported back H. B. No. 14, to amend sec. 51 of chap. 23 of codified general laws, with recommendation that the same do pass; read third time and re-committed with instructions. Subsequently reported back with amendment, amendment adopted, considered engrossed, bill read third time as amended, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—none.

Title agreed to.

Newcomer, on leave, without previous notice, introduced C. B. No. 23, to amend sec. 94 of chap. 21 of general laws; read first and second times, and referred to Judiciary Committee.

H. B. No. 20, to amend An Act in relation to counties and county officers, approved Jan. 12, 1872; read first and second times, and referred to Committee of Ways and Means.

H. J. M. No. 2, in relation to irrigation; read first and second times, and referred to Committee on Federal Relations.

Garrigan, special committee of one, reported back C. B. No. 22, roads and highways; bill referred to Committee on Roads and Highways.

Committee on Printing were given until 2 o'clock P. M. to report.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Newcomer, from Committee on Printing, reported as follows, to-wit:

MR. PRESIDENT—Your Committee on Printing, who were re-instructed to submit proposals for the printing of the Council, beg leave to report that in pursuance of your instructions, your committee submitted such proposals and received the following bids:

One bid from G. F. Cope, proposing to do the printing for the sum of thirty-nine cents per thousand ems, in addition to the amount allowed by government.

One bid from H. Brundage, proposing to do the same for forty-eight cents, in addition to the amount allowed by government.

Also, one from Thos. Deyarmon, proposing to do the printing of the Council for the sum of twenty-five cents per thousand ems, in addition to the government allowance.

Whereupon, your committee submitted these propositions to the Secretary of the Territory, who, with your committee, awarded the printing to Thos. Deyarmon, he being the lowest bidder. Such award being however, subject to the action of the Council in the premises.

That after all the sealed proposals were opened, and the award made by your committee and the secretary, a bid was handed to your committee by W. G. Pfouts, proposing to do all the Council printing for the amount allowed by government.

All of which is submitted to the Council for their action in the matter, as your committee are restricted in the premises.

Respectfully submitted,

NEWCOMER, *Chairman.*

On motion, the award made by the committee to Thos Deyarmon was ratified by the Council by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Maillet, Newcomer, Walker, Yager, and Mr. President—11.

*Noes*—Davis and Stuart—2.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
January 20, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that C. J. M. No. 5 has passed the House.

That H. B. No. 15 has passed the House.

That Coleman introduced H. B. No. 22, an act entitled An Act making the sheriffs of the several counties ex-officio treasurers of their respective counties.

Respectfully,

A. H. BARRETT, *Chief Clerk*.

C. J. R. No. 5, in relation to the reference of certain bills, was ordered enrolled.

Garrigan, on leave, without previous notice, introduced C. B. No. 24, in relation to intoxicating liquors on Sundays and election days; read first and second times, and referred to Committee on Education.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
January 20, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that C. B. No. 16 was lost in the House by the following vote:

*Ayes*—1.

*Nays*—24.

Absent—1.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

Newcomer, from the Committee on Federal Relations, reported back H. J. M No. 2, in relation to irrigation, recommending its passage; rules suspended, read third time by its title, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Gargigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

Title agreed to.

Council adjourned untill to-morrow at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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## SEVENTEENTH DAY.

JANUARY 21, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Dance, from Committee on Ways and Means, submitted the following report, to-wit:



MR. PRESIDENT—Your committee on Ways and Means ask leave to report that important bills have been referred to them, but they are unable to act upon them for the following reasons, to-wit:

We have no copy of the Auditor and Treasurer's report, and other printed matters, before us, which is of great importance to your committee in considering the above named bills.

DANCE, *Chairman*.

Yager, from Committee on Education, reported back C. B. No. 24, relating to intoxicating liquors, recommending it be referred to the Committee of the Whole.

Report adopted, and bill made special order for this A. M.

Walker, from Committee on Military Affairs, reported back C. J. R. No. 4, for the relief of Wm. Thompson and E. H. Bartlett & Co., with amendments. Amendments adopted and resolution ordered engrossed.

Barber, from Joint Committee on Enrollment, reported C. J. R. No. 5 correctly enrolled.

Mr. President announced that he had just signed C. J. R. No. 5.

The following notices of bills were given:

By Walker: Of a bill for an act to protect certain persons from certain consequences.

By Stuart: Of a bill for an act for the observance of Sunday as a day of rest, and prescribing punishments for the violation thereof.

By Newcomer: A bill for an act to repeal an act entitled, Roads and Highways, approved May, 1873.

The following bills were introduced :

By Yager : C. B. No. 25, a bill for an act in relation to county finances, read first and second times and referred to Committee of Ways and Means.

By Garrigan : C. B. No 26, a bill for an act to amend sec. 7, chap. 20 of an act concerning counties and county boundaries, read first and second times and referred to a select committee, consisting of the members from Meagher and Gallatin counties.

Also, C. C. R. No. 4, making an appropriation to Wm. F. Kirkwood, for services as clerk, read first and second times and referred to Committee of Ways and Means.

Council went into Committee of the Whole to consider C. B. No. 24, relating to intoxicating liquors on Sundays and election days.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Garrigan, from Committee on Engrossment, reported back C. amendments to H. B. No. 2, trade marks and brands, correctly engrossed, re-referred to Committee on Agriculture and Manufactures.

Also, C. J. R. No. 4, to pay Thompson and Bartlett & Co., correctly engrossed, re-referred to Committee on Military Affairs.

Garrigan, from Committee of the Whole, to whom was referred C. B. No. 24, relating to intoxicating liquors on Sundays and election days, reported the same with amendments, and the recommendation that it be indefinitely postponed.

On motion of Beattie the report was rejected.

A motion of Newcomer to indefinitely postpone the bill was lost by the following vote :

*Ayes*—Barber, Cooper, Dance, Maillet, and Newcomer—5.

*Noes*—Arick, Beattie, Davis, Garrigan, Stuart, Walker, Yager and Mr. President—8.

The bill was refereed to a select committee consisting of Davis, Garrigan and Stuart.

The following communication was received from the House through Chief Clerk Barrett :

HOUSE OF REPRESENTATIVES, }  
January 21, 1874. }

MR. PRESIDENT—I am directed by the House to ask your honorable body to return C. J. R. No. 5 to the House for further consideration.

Respectfully,  
A. H. BARRETT, *Chief Clerk.*

The following notices of bills were given :

By Davis : Of a bill to amend sections 32 and 33, chapter 23 of the general laws.

By Barber: Of a bill to amend section 422 criminal practice act.

Barber, from Committee on Enrollment, reported H. B. No. 14 and H. J. M. No. 2 correctly enrolled.

Davis introduced C. B. No 27, a bill for an act to regulate proceedings in cases of certain misdemeanors upon plea of guilty, read first and second times and referred to Judiciary Committee.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
January 21, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that Sanders has introduced H. B. No. 26, a bill for an act to repeal an act entitled C. B. No. 1, which has passed the House.

Respectfully,  
A. H. BARRETT, *Chief Clerk.*

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

## EIGHTEENTH DAY.

JANUARY 22, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Newcomer was granted leave of absence for this A. M.

Cooper, from Committee on Agriculture and Manufactures, reported back H. B. No. 2, trade marks and brands, with an amendment, and recommending its passage as amended. Report adopted, bill read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager, and Mr. President—12.

Absent on duty with leave—Newcomer—1.

Title agreed to.

Dance, from the Committee on Ways and Means, reported back H. B. No. 20, to amend an act in relation to counties and county officers, recommending its passage. Read third time and re-referred to Committee on Ways and Means.

Also, C. C. R. No. 4, for the relief of William Kirkwood for services as clerk at the Seventh Session, with the recommendation that it pass. Read third time and passed.

Title agreed to.

Garrigan gave notice that he would, on to-morrow, move a reconsideration of the vote by which C. C. R. No. 4 passed the Council.

Davis, from the Committee on Towns and Counties, reported as follows :

MR. PRESIDENT—Your Committee on Towns and Counties, to whom was referred the resolutions of the citizens of Helena, requesting legislation providing for security against fires, have had the same under consideration, and believing that the exigency of the case is such as to require both speedy and special legislation, your committee beg leave to report the same back to the Council, with the accompanying papers, and recommend that the same be referred to a special committee, to be composed of the members of the Council from the county of Lewis and Clark.

[Signed]

DAVIS,  
MAILLET.  
STUART.

JAN. 22, 1874.

Report adopted and papers so referred.

The following notices of the introduction of bills were given :

By Maillet: Of a bill for An Act to amend section 29 of chapter 21 of the codified general laws.

By Yager: Of a bill for an act to provide for the collection of vital statistics.

The following communication from the House was received through Assistant Clerk Chapman :



HOUSE OF REPRESENTATIVES, }  
January 22, 1874. }

MR. PRESIDENT—I am instructed by the House to inform the Council that notices of the introduction of bills have been given as follows:

By Aiken: A bill for an act relating to fences.

By Carmichael: An Act to amend an act concerning license.

That the following bills have been introduced into the House:

By Kerley, chairman of a select committee: H. B. No. 25, An Act to amend an act entitled an act to regulate and govern the Montana Penitentiary, approved May 6, 1873.

That H. B. No. 17, An Act to amend an act authorizing the County Commissioners of Missoula county to levy a special tax has passed the House.

Respectfully,

BARRETT, *Chief Clerk.*

The following bills were introduced:

By Maillet: C. B. No. 28, a bill for an act to amend sec. 14, chap. 35 of codified general laws. Read first and second times, and referred to Judiciary Committee.

By Walker: C. B. No. 29, a bill for an act to protect certain persons from certain consequences. Read first and second times, and referred to the Judiciary Committee.

By Garrigan: C. B. No. 30, a bill for an act to attach the counties of Choteau, Big Horn and Dawson to others for judicial purposes. Read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 17, to authorize the County Commissioners of

Missoula county to levy special tax for a bridge fund. Read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 26, to repeal an act entitled C. R. No. 5. Read first and second times, and referred to Judiciary Committee.

The following communication was received from the House, through chief clerk Barrett, to-wit:

HOUSE OF REPRESENTATIVES, }  
January 22, 1874. }

MR. PRESIDENT—I am instructed by the House to inform the Council that notices for the introduction of bills have been given as follows:

By Sutton: A bill for disposing of unclaimed witness and jury fees.

By Alger: A bill to amend sec. 44 of chap. 85 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, in relation to the collection of the revenue, approved Jan. 12, 1872.

By Coleman: A bill for An Act entitled an act to provide for the election of all Territorial, district, county and township officers, at a general election to be held biennially.

Also, A bill for An Act entitled an act to encourage emigration into the Territory.

By Kerley: A bill in relation to notaries public.

Respectfully,

BARRETT, *Chief Clerk.*

Council took a recess until 2 o'clock.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Dance.

Quorum present.

Davis presented a petition from J. C. Guy, praying for relief. Read and referred to the Committee of Ways and Means.

Beattie presented a petition from citizens of Lewis and Clark county, praying for a Sunday law. Read and referred to the Committee on Education.

Newcomer, from the Committee on Roads and Highways, reported back C. B. No. 22—road law—recommending it be engrossed for printing.

Report adopted and so referred.

Walker, from Committee on Military Affairs, reported back C. J. R. No. 4, for the relief of William Thompson and E. H. Bartlett & Co., with amendments and a recommendation that it pass as amended.

Amendments adopted and bill ordered engrossed.

Arick, from the select committee to whom was referred the petition of the citizens of Helena, reported as follows, to-wit :

MR. PRESIDENT—Your select committee to whom was referred the resolutions adopted by the citizens of Helena in mass meeting assembled, together with the bill in relation to fire limits therewith transmitted, beg leave to report that in pursuance of the report of the Committee on Towns and

Counties, heretofore made to the Council, they have so amended the bill as to make it applicable to the town of Helena alone, and ask leave to introduce the said bill without previous notice.

ARICK, *Chairman*.

C. B. No. 31, to establish fire limits in the town of Helena. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker Yager, and Mr. President—11.

*Noes*—Cooper—1.

*Absent*—Dance—1.

Title agreed to.

Garrigan and Yager, from Committee of Ways and Means, reported back H. B. No. 20, to amend an act in relation to counties and county officers, recommending its passage. Read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Nays*—None.

Title agreed to.

Stuart introduced C. B. No. 32, a Sunday law. Read first and second times, and referred to the Committee on Education.

Newcomer introduced C. B. No. 33, a bill to provide for a

system of common schools. Read first and second times, and referred to Printing Committee.

Council adjourned until to-morrow at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

## NINETEENTH DAY.

JANUARY 23, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message from the House was received through Chapman, assistant clerk:

HOUSE OF REPRESENTATIVES, }  
VIRGINIA CITY, Jan. 23, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That Sanders introduced H. B. No. 27, for an act to further enlarge the suffrage, and that it was indefinitely postponed.

That H. B. No. 16, an act in relation to tolls, was lost.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

Dance, from Committee of Ways and Means, reported back C. B. No. 25, an act relating to county finances, with amendments, and recommending its passage as amended.

Report and amendments adopted, and bill ordered engrossed.

Davis, from Committee on Towns and Counties, reported back H. B. No. 17, authorizing the county commissioners of Missoula county to levy a special tax for the purpose of buying, building and repairing bridges, recommending its passage.

Read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

Dance gave notice of the introduction of a bill to amend certain sections of the codified laws.

Also, of a bill providing for printing of reports of the territorial officers previous to the meeting of the next Legislative Assembly.

The following bills were introduced:

By Maillet: C. B. No. 34, a bill for an act to amend section 29, chapter 21, of the codified general laws, read first and second times and referred to Judiciary Committee.

By Barber: C. B. No. 35, a bill for an act to amend section 422 of the criminal practice act, read first and second times and referred to Judiciary Committee.



By Beattie: C. B. No. 36, a bill for an act to create the office of Territorial Commissioner of Immigration and to provide for the same, read first and second times and referred to the Printing Committee.

The following communication was received from His Excellency the Governor, through his private secretary, Dr. Callaway.

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Jan. 23, 1874. }

*To the Council:*

I have the honor to inform the Council that I did, on the 20th day of January, A. D 1874, approve C. J. M. No. 1, in relation to lands in the Bitter Root Valley.

Also, on the 21st day of January, 1874, I approved C. J. R. No. 5, without title.

Respectfully,

B. F. POTTS, *Governor.*

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Dance.

Quorum present.

A communication was received from Hon. J. E. Callaway, Secretary of the Territory, as follows:

SECRETARY'S OFFICE,  
TERRITORY OF MONTANA, }  
January 23, 1874.

*To the Honorable, the Council of the Legislative Assembly—*GEN-  
TLEMEN :

I have the honor to state that I have received from the Printing Committee of your honorable body, for the purpose of having printed, C. B. No. 33, introduced by the Hon. D. P. Newcomer.

I most respectfully herewith return the bill to the Council without printing the same for the following reasons :

The bill as introduced differs very little from the law now on the Statutes. Any member of the Legislature can turn to page 618 of the codified Statutes, and by comparing the bill as introduced with the law it is intended to amend and repeals, viz : "An Act to provide for a system of common schools," can easily and thoroughly know the contents of the bill as introduced.

The only object in printing any bill is to aid and facilitate legislation.

This is an important measure, and of very general interest. If the bill passes the Assembly and shall become a law, the Territorial Superintendent of Public Instruction, each county superintendent, and every school officer, should have a copy of the law as speedily as practicable.

I most respectfully recommend that the bill be not now printed, but if it becomes a law that the Legislative Assembly will speedily make an appropriation to publish a sufficient number of copies for the use of all school officers in the territory, so that the law can be thus distributed months before the laws can be printed for general distribution by the United States.

Your obedient servant,

J. E. CALLAWAY, *Secretary.*

On motion of Davis, the vote by which C. B. No. 33 (school law) was ordered printed was reconsidered.

The Printing Committee was instructed to return the bill to the Council, who immediately reported back accordingly, and the bill was then referred to the Committee on Education.

Arick, from Judiciary Committee, reported back C. Bs. Nos. 2 and 12, relating to the rights of married women, recommending they be considered in Committee of the Whole.

Report adopted.

Garrigan, from Committee on Engrossment, reported back C. J. R. No. 4, for the relief of Wm. Thompson and E. H. Bartlett & Co., correctly engrossed.

Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Noes*—None.

Absent—Dance—1.

Title agreed to.

Davis, from Special Committee, to whom was referred C. B. No. 24, in relation to the sale of intoxicating liquors on Sundays and election days, reported the same back, recommending that it do pass.

The following notices of bills were given :

By Stuart: Of a bill to provide for the appointment of deputy district clerks.

By Arick: Of a bill for an act for the relief of Sol. Star.

By Beattie: Of a bill for an act concerning sheriffs.

The following bills were introduced :

By Beattie: C. B. No. 37, to define certain crimes and provide a punishment therefor. Read first and second times and referred to Committee on Education.

By Newcomer: C. B. No. 38, a bill for an act to repeal An Act to define and provide for a system of Roads and Highways. Read first and second times and referred to Committee on Roads and Highways.

Council went into Committee of the Whole to consider C. Bs. Nos. 2 and 12, rights of married women. Maillet in the chair.

Council resumed. Mr. President in the chair.

The following communication was received from the House, through chief clerk Barrett:

HOUSE OF REPRESENTATIVES,  
VIRGINIA CITY, January 23, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That C. B. No. 31, for an act to authorize the county commissioners of Lewis and Clark county to establish fire limits within the town of Helena, has passed the House with the amendment to the title: add to the title, "and other purposes."

Respectfully,

BARRETT, *Chief Clerk.*

House amendment concurred in, and the bill ordered enrolled.

On motion of Garrigan, the vote by which C. C. R. No. 4, for the relief of W. F. Kirkwood, passed the Council was reconsidered, and on the further motion of Garrigan, the resolution was laid on the table.

Beattie gave notice of a motion to reconsider the vote by which C. J. R. No. 4 passed the Council.

Maillet, from Committee of the Whole, reported back C. B. No. 2, rights of married women, recommending it be laid on the table.

Report adopted.

Also, C. B. No. 12, rights of married women, recommending its passage.

On motion of Newcomer, the following resolution was adopted, to-wit :

*Resolved*, That the thanks of this Council be and are hereby extended to Harry J. Norton, author of "Wooderland," for the copies of his book presented to the Council.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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TWENTIETH DAY.

JANUARY 24, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Newcomer, the communication of Secretary Callaway was stricken from yesterday's Journal.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
January 24, 1874. }

MR. PRESIDENT—I am instructed to inform your honorable body:

That Sutton introduced H. B. No. 28, An Act disposing of unclaimed witness and jury fees.

O'Keefe introduced H. B. No. 29, An Act to regulate the suffrage.

Alger introduced H. B. No. 30, An act to amend sec. 44 of chap. 85 of an act entitled An Act revising, re-enacting, and codifying the general and permanent laws of Montana Territory, in relation to collection of the revenue, approved Jan. 12, 1872.

That C. B. No. 31, passed the House with an amendment.

That the House refuse to concur in Council amendments to H. B. No. 2, and ask the Council to recede.

That Coleman introduced H. B. No. 31, an act entitled An Act to provide for the prosecution of criminals and offenders in the District Court, by information upon the part of the District Attorney, and for the repeal of certain laws in relation to Grand Juries.

That Sanders gave notice that he would introduce a bill for An Act to regulate the telegraphic transmission of warrants,



and order of arrest, and writs of attachment in the Territory of Montana.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

Barber, from Joint Committee on Enrollment, reported H. Bs. Nos. 17 and 20, and C. B. No. 31, to establish fire limits in Helena, correctly enrolled.

Mr. President announced that he had just signed H. Bs. Nos. 17 and 20, and C. B. No. 31, to authorize the county commissioners of Lewis and Clark county to establish fire limits within the town of Helena.

Newcomer, from Committee on Roads and Highways, reported back C. B. No. 38, to repeal the road law, approved May, 1873, with the recommendation that it do pass.

On motion of Arick, the bill was laid on the table.

Garrigan, from Committee on Engrossment, reported C. B. No. 12, to authorize married women to transact business in their own names as sole traders, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—11.

*Noes*—Cooper and Dance—2.

Title agreed to.

Also, C. B. No. 22, in relation to roads and highways, correctly engrossed; bill ordered printed.

Council refused to recede from their amendments to H. B. No. 2, trade marks and brands, as requested by the House.

Barber, from Joint Committee on Enrollment, reported C. B. No. 31, Helena fire limit bill, presented to the Governor for his approval at 10:30 o'clock A. M. this day.

Cooper, from Committee on Agriculture and Manufactures, reported back C. B. No. 17, to provide for the collection of statistics, with amendments; amendments adopted, and bill as amended ordered engrossed.

On motion of Garrigan, C. C. R. No. 4, to pay Wm. Kirkwood for services as Clerk at 7th session, was taken from the table, and on the further motion of Garrigan, the resolution was indefinitely postponed.

Council took a recess until 2 o'clock.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Newcomer presented a petition from the citizens of Deer Lodge City, praying for certain legislation; read and referred to the delegation from the 2d Council District.

Newcomer, from Committee on Printing, reported that C. B. No. 22 could be printed by noon on Monday.

Dance, from Committee on Ways and Means, reported as follows:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred the matter of the petition of J. C. Guy, sheriff of Gallatin county, asking for relief for expenses incurred in going to the state of Ohio, on requisition of His Excellency, B. F. Potts, Governor of Montana Territory, report the same back to the Council, with the recommendation that the relief asked for by the said petition be not granted, for the reason that your committee are of opinion that there was culpable negligence in guarding said prisoner, and that in the

opinion of your committee, it would be a dangerous precedent to allow such claims, as it would be virtually offering a premium to an officer for a neglect of plain duty.

[Signed]

W. B. DANCE,  
OWEN GARRIGAN,  
E. T. YAGER.

The report was adopted.

Newcomer gave notice of a bill for An Act to provide for the maintenance of the Deer Lodge fire department, and for other purposes.

Davis gave notice of a bill to amend sections 90 and 196 of the criminal practice act, so as to fix an allowance for counsel in criminal cases.

The following communication was received from the House through Chief Clerk Barrett;

HOUSE OF REPRESENTATIVES, }  
January 24, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills have been given as follows:

By Kerley: A concurrent resolution, appropriating certain moneys to the Montana Historical Society.

By Brown, An Act in relation to the location and re-location of quartz lodes.

By Kerley: An Act, authorizing the county commissioners of Deer Lodge county to audit and allow certain claims.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

On motion of Newcomer, C. B. No. 33, school law, was recalled from the Committee on Education, and ordered printed.

Garrigan, from Committee on Engrossment, reported back C. B. No. 24, in relation to the sale of liquor on Sundays and election days, correctly engrossed; read third time, and lost by the following vote :

*Ayes*—Davis, Garrigan, Stuart, Walker, Yager—5.

*Noes*—Arick, Barber, Beattie, Cooper, Dance, Maillet, Newcomer, Mr. President—8.

Also, C. B. No. 25, relating to county finances, correctly engrossed; read third time, and re-committed to Committee of the Whole, and made special order for Monday, at 11 o'clock A. M.

Newcomer offered the following resolution, which was adopted :

*Resolved*, That the thanks of the Council be extended to Hon. J. E. Callaway and Col. S. T. Hauser, President of the First National Bank of Helena, for favors extended to the Council.

The Council adjourned untill Monday morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## TWENTY-SECOND DAY.

JANUARY 26, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Newcomer, from the Committee on Printing, reported the list of the acts passed at the extraordinary session of 1873, correctly printed.

Davis gave notice of a bill to provide that suit may be brought upon the bonds of county commissioners by any resident tax payer.

The following bills were introduced :

By Davis : C. B. No. 39, to amend secs. 32 and 33 of chap. 23 of the codified general laws. Read first and second times, rules suspended, bill considered engrossed, read third time by title and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Nays*—None.

Title agreed to.

By Beattie: C. B. No. 40, to repeal the license tax on insurance companies. Read first and second times and referred to the Committee on Ways and Means.

On motion of Newcomer, C. B. No. 38, to repeal the road law of May, 1873, was taken from the table and referred to the Committee on Roads and Highways.

Davis and Maillet having, at their own request, been excused from further service on the Joint Special Committee to examine the Auditor and Treasurer's books, on motion of Arick, Beattie and Yager were appointed to the vacancies thus created. Subsequently, on motion of Arick, Beattie was excused from serving on the committee.

The following communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Jan. 24, 1874. }

*To the Council:*

I have the honor to inform the Council that I have this day approved C. B. No. 31, entitled an act to authorize the county commissioners of Lewis and Clark county to establish fire limits within the town of Helena, and for other purposes.

Respectfully,

B. F. POTTS, *Governor.*

Council went into Committee of the Whole on the special order, C. B. No. 25, in relation to county finances, Davis in the chair.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock P. M.



2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Yager, from Committee on Education, reported back C. B. No. 37, defining certain crimes, recommending its passage. Read third time and re-referred to Committee on Education, with instructions.

Dance, from Committee on Ways and Means, reported back C. B. No. 40, to repeal license tax on insurance companies, recommending it do not pass. Bill ordered engrossed.

Arick, from Judiciary Committee, reported back C. B. No. 23, to amend sec. 94, chap. 23 of codified general laws, with amendments. Bill re-committed.

Also, C. B. No. 35, to amend sec. 422 of the criminal practice act, with the recommendation that it do not pass. Read third time and referred to Barber, as a select committee of one, with instructions.

Garrigan, from Committee on Engrossment, reported back C. B. No. 17, to provide for collecting statistics, correctly engrossed.

A motion of Beattie to re-commit, with instructions to strike out "twenty cents," where it occurs, and insert "ten cents," in lieu thereof, was lost by the following vote :

*Ayes*—Arick, Beattie, Davis, Stuart, Walker—5.

*Noes*—Barber, Cooper, Dance, Garrigan, Maillet, New-comer, Yager and Mr. President—8.

Bill read third time, and passed by the following vote :

*Ayes*—Barber, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Yager and Mr. President—9.

*Noes*—Arick, Beattie, Stuart, Walker—4.

Title agreed to.

The following communication was received from the House through Chief Clerk Barrett :

HOUSE OF REPRESENTATIVES, }  
January 26, 1874. }

MR. PRESIDENT—I am directed to inform your honorable body that Emerson gave notice of a bill defining the southern boundary of the county of Jefferson.

That Mead introduced H. B. No. 32, an act to amend secs. 136, 137, 185, 199, and 202 of chap. 1 of the general and permanent laws, entitled Administrators and Executors.

That H. B. No. 23 passed the House.

That the Council is requested to take such action on H. B. No. 2 as parliamentary usages prescribe, and that all further action be endorsed on the bill.

Respectfully,

A. H. BARRETT, *Chief Clerk*.

Newcomer introduced C. B. No. 41, a bill to provide for the maintenance of the Deer Lodge City fire department, read first and second times and referred to a select committee consisting of the Deer Lodge delegation.

Davis, from Committee of the Whole, reported progress on C. B. No. 25, relating to county finances, and asked leave to sit again. Leave granted, and the Council went into Committee of the Whole, Davis in the chair.

Council resumed. Mr. President in the chair.

Council adjourned till to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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## TWENTY-THIRD DAY.

JANUARY 27, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Newcomer, from Committee on Printing, reported C. B. No. 22, road law, correctly printed.

Yager, from Committee on Education, reported back C. B. No. 32, Sunday law, recommending its passage.

Bill ordered engrossed.

Also, C. B. No. 37, defining certain crimes, with the recommendation that it do not pass.

Bill laid on the table.

Dance, from Committee of Ways and means, reported back C. B. No. 18, to amend revenue law, with amendments.

Amendments adopted, and bill ordered engrossed.

Garrigan, from Committee on Engrossment, reported back C. B. No. 40, to repeal license tax on insurance companies, correctly engrossed. Read third time, and lost by the following vote :

*Ayes* — Arick, Barber, Beattie, Cooper and Walker—5.

*Noes* — Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Yager and Mr. President—8.

Davis, from Committee of the Whole, reported back C. B. No. 25, relating to county finances, with amendments.

Amendments adopted.

Beattie offered the following amendment :

Amend section 9 by striking out the word "ten" and inserting the word "six," which was lost by the following vote :

*Ayes*—Beattie, Newcomer, Stuart and Yager—4.

*Noes*—Arick, Barber, Cooper, Dance Davis, Garrigan, Maillet, Walker and Mr. President—9.

On motion of Davis, further amendments were made the special order for 2 o'clock p. m. this day.

Arick gave notice of a bill to amend an act to regulate proceedings in civil cases in the courts of justice of Montana Territory.

The following communication was received from the House, through Chief Clerk Barrett :

HOUSE OF REPRESENTATIVES, }  
January 27, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That the House insist on their disagreement to the Council amendments to H. B. No. 2.

That H. B. No. 4, An Act to provide for the election of County Assessors, was lost.

Coleman introduced H. J. R. No. 2, which was rejected.

Respectfully,

BARRETT, *Chief Clerk.*

H. B. No. 23, relating to County Commissioners. Read first and second times, and referred to Committee on Ways and Means.

Beattie gave notice of a bill relating to license tax on insurance companies.

Council went into Committee of the Whole to consider C. B. No. 22, road law. Beattie in the chair.

Council resumed. Mr. President in the chair.

Beattie, from the Committee of the Whole, to whom was referred C. B. No. No. 22, reported progress in the consideration of the same, and asked leave to sit again. Leave granted.

Council took a recess until 2 o'clock.

2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Special order for 2 o'clock was, on motion of Stuart, postponed.

Garrigan, from Committee on Engrossment, reported back C. B. No. 32, Sunday law, correctly engrossed. Read third time and re-committed to the Committee of the Whole.

Newcomer, from select committee to whom was referred C. B. No. 41, to provide for the maintenance of the Deer Lodge City Fire Department, recommending its passage. Rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, and Mr. President—12

*Noes*—None.

*Absent*—Yager—1.

Title agreed to.

Stuart introduced C. B. No. 42, to authorize the appointment of deputy clerks of the district courts. Read first and second times, and referred to the Judiciary Committee.

On motion of Newcomer, the Chief Clerk was instructed to request the House to transmit to the Council all House bills it may wish the Council to consider, that the Council may have endorsed upon them its action thereon; and generally, that the House observe in all matters, those Parliamentary usages and customs usually observed in similar bodies, and further, that the House cause to be returned to the Council H.



B. No. 2, with its action endorsed thereon, that the Council may act intelligently in the premises.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES, }  
January 27, 1874. }

MR. PRESIDENT—I am directed by the House to transmit to your honorable body H. B. No. 2, in relation to trade marks and brands.

Respectfully,  
A. H. BARRETT, *Chief Clerk.*

On motion of Arick, the Council adhered to their amendments to H. B. No. 2.

Stuart having been appointed to fill the vacancy on the special committee to examine the Auditor and Treasurer's books, and having been excused from service thereon, Newcomer was appointed to the vacancy.

Council went into Committee of the Whole to consider C. B. No. 22, road law, Beattie in the chair.

Council resumed. Mr. President in the chair.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## TWENTY-FOURTH DAY.

JANUARY 28, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Arick, from Judiciary Committee, reported back C. B. No. 42, authorizing the appointment of deputy clerks of district courts, recommending its passage. Rules suspended, bill considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager and Mr. President—12.

*Noes*—Newcomer—1.

Title agreed to.

Dance and Yager, from Committee of Ways and Means, submitted a majority report with C. B. No. 13, an act to amend an act entitled An Act concerning licenses, approved May 8, 1873, recommending its passage.

Garrigan, from same committee, submitted a minority report on the same bill, recommending it do not pass.

Bill ordered engrossed.

Garrigan, from Committee on Engrossment, reported back C. B. No. 18, to amend an act providing for the collection of revenue, correctly engrossed.

The bill was ordered printed.

Council went into Committee of the Whole to consider C. B. No. 22, road law. Beattie in the chair.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Garrigan, from the Committee on Engrossment, reported back C. B. No. 13, an act to amend the license law, correctly engrossed.

Read the third time and lost by the following vote:

*Ayes*—Cooper, Davis, Maillet, Newcomer, Yager and Mr. President—6.

*Noes*—Arick, Barber, Beattie, Garrigan, Stuart and Walker—6.

Absent—(Excused) Dance—1.

Yager gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 13 was lost.

The Council concurred in the House amendments to C. C. R. No. 3, in relation to experts.

The following communication was received from the House through the chief clerk, Barrett:

HOUSE OF REPRESENTATIVES,  
VIRGINIA CITY, Jan. 28, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That Alger introduced H. B. No. 34, an act to authorize the county commissioners of Deer Lodge county to appoint a fire warden and for other purposes.

The rules were suspended, read a third time and passed.

On motion of Harrington, a committee of three, consisting of Harrington, Arnoux, and Tate, was appointed as a conference committee upon H. B. No. 2, and ask the Council to appoint a like committee.

That C. B. No. 41 has passed the House.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

On motion of Newcomer, a committee of conference, consisting of Newcomer, Davis, and Walker, was appointed as requested by the House, to act with a like committee of the House, and confer upon H. B. No. 2, trade marks and brands.

H. B. No. 34, authorizing the county commissioners of Deer Lodge county to appoint a fire warden and for other purposes, read first and second times and referred to a special committee consisting of the delegation from the second Council district.

C. B. No. 41, relating to the Deer Lodge fire department, was ordered enrolled.

Council went into Committee of the Whole to consider C. B. No. 22, road bill. Beattie in the chair.

Council resumed. Mr. President in the chair.

Barber, from Joint Committee on Enrollment, reported C. B. No. 41, for the support and maintenance of the Deer Lodge City fire department, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 41.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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## TWENTY-FIFTH DAY.

JANUARY 29, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Arick, from Judiciary Committee, reported back C. B. No. 29, to protect certain persons from certain consequences, recommending its passage. The bill was ordered engrossed.

Also, H. B. No. 26, to repeal act entitled C. J. R. No. 5 recommending it do not pass. Read third time and lost by the following vote :

*Ayes*—None.

*Nays*—Arick, Barber, Beattie, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—12.

Absent—Cooper—1.

Arick gave notice that he would, on to-morrow, move a reconsideration of the vote by which H. B. No. 26 was lost.

The following notices of the introduction of bills were given :

By Maillet : Of a bill for an act to change the boundaries of Missoula county, so as to include the town of Phillipsburg within the said county of Missoula.

By Dance : Of a bill for an act to amend an act in relation to the collection of licenses and taxes.

The following bills were introduced :

By Arick : C. J. R. No. 1, to pay storage on arsenal supplies, read first and second times and referred to Committee on Military Affairs.

By Beattie : C. B. No. 43, a bill for an act to regulate tax on insurance companies, read first and second times and referred to Committee on Ways and Means.

The following communication was received from the House through Barrett, Chief Clerk :

HOUSE OF REPRESENTATIVES, }  
January 29, 1874. }

MR. PRESIDENT—I am instructed by the House to inform



your honorable body that notices of the introduction of bills have been given as follows:

By Mead: A bill for an act to collect, identify and claim cattle in the counties of this Territory.

By Ezekiel: A bill for an act to establish the compensation and fees of the Territorial Auditor and Treasurer.

By Alger: A bill to change the boundary lines between Missoula and Deer Lodge counties.

Respectfully,  
A. H. BARRETT, *Chief Clerk.*

Barber, from Joint Committee on Enrollment, reported C. B. No. 41, for the support and maintenance of the Deer Lodge City fire department, presented to the Governor for his approval at 4:30 o'clock P. M., Jan. 28, 1874.

Council when into Committee of the Whole to consider C. B. No. 22, road bill. Beattie in the chair.

Council resumed. Mr. President in the chair.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
VIRGINIA CITY, January 29, 1874. }

MR. PRESTIDENT—I am instructed to inform your honorable body:

That Kerley has given notice that he would introduce a bill to abolish all county offices in the various counties, and make it the duty of the Territorial officers to perform all the duties now incumbent upon county officers, without other compensation than that now allowed them by law.

Respectfully,  
BARRETT, *Chief Clerk.*

Beattie, from Committee of the Whole, reported progress in the consideration of C. B. No. 22, road bill, and asked leave to sit again. Leave granted.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Newcomer.

Quorum present.

Dance, from Committee on Ways and Means, reported back C. B. No 43, to regulate the tax on insurance companies, with the recommendation that in do not pass. Rules suspended, and bill considered engrossed.

Newcomer, from Committee on Printing, reported C. B. No. 36, to create office of Territorial Commissioner of Immigration, correctly printed. Bill referred to Committee on Immigration.

Newcomer, from special committee to whom was referred H. B. No. 34, to authorize appointment of Fire Warden in Deer Lodge county, reported the same back with amendments. Amendments adopted and ordered engrossed.

Council went into Committee of the Whole to consider C. B. No. 22, road bill, Beattie in the chair.

Council resumed. Mr. President in the chair.

Council went into Committee of the Whole to consider C. B. No. 25, in relation to county finances, Stuart in the chair.

Council resumed. Mr. President in the chair.

Stuart, from Committee of the Whole, reported progress in the consideration of C. B. No. 25, and asked leave to sit again. Leave granted.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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## TWENTY-SIXTH DAY.

JANUARY 30, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Arick, from the Judiciary Committee, reported back C. B. No. 27, to regulate proceedings in cases of certain misdemeanors upon pleas of guilty, with amendments; amendments adopted, and bill ordered engrossed.

Also, C. B. No. 23, to amend sec. 94 of chap. 21 of the codified general laws, recommending its passage; bill ordered engrossed.

Dance, from the Committee of Ways and Means, reported back H. B. No. 3, relating to the disposal of surplus moneys in the county treasuries, with amendments; amendments adopted, and ordered engrossed.

Also, H. B. No. 23, to amend act relating to county commissioners, recommending it to be considered in Committee of the Whole; report adopted, and bill so referred.

Beattie, from Committee of the Whole, reported back C. B. No. 22, road bill, with amendments, and recommending its passage as amended; amendments adopted; bill further amended, and ordered engrossed.

Yager gave notice of the introduction of a bill for an act to amend An Act, regulating fees of the Clerks of the District Courts.

Also, a bill for an act to amend An Act regulating charges for the publication of legal documents.

Davis gave notice of a bill for An Act for the incorporation of towns and villages.

C. B. No. 43, to regulate tax on insurance companies; read third time, and lost by the following vote :

*Ayes*—Arick, Beattie, Maillet, and Walker—4.

*Noes*—Barber, Cooper, Dance, Davis, Garrigan, Newcomer, Stuart, Yager, and Mr. President—9.

Garrigan, from Committee on Engrossment, reported back H. B. No. 34, authorizing the appointment of a fire warden in Deer Lodge county, with amendments correctly engrossed; bill read a third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President.

Title agreed to.

On motion of Garrigan, the Engrossing Clerk was instructed to make the necessary corrections in the index to C. B. No. 22, to make it compare with the body of the bill.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

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## TWENTY-SEVENTH DAY.

JANUARY 31, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following notices of the introduction of bills were given :

By Newcomer: Of a bill to amend section 260 of the civil practice act.

By Dance: Of a bill in relation to taxes on insurance companies.

Davis introduced C. J. M. No. 2, in relation to the protection of the Yellowstone valley and of communication with the town of Bismarek. Read first and second times and referred to the Committee on Federal Relations.

Newcomer introduced the following resolution, to-wit:

*Resolved*, That hereafter no member of the Council shall be allowed to speak more than once on any bill, motion or measure that may come before the Council for discussion, and shall be limited to ten minutes, unless with the unanimous consent of the Council.

NEWCOMER.

Which, upon motion of Dance, was indefinitely postponed by the following vote:

*Ayes*—Arick, Barber, Cooper, Dance, Davis, Walker and Yager—7.

*Noes*—Beattie, Garrigan, Maillet, Newcomer and Stuart—5.

Excused from voting—Mr. President—1.

On motion of Garrigan, the chaplain, Father Kelleher, was given leave of absence until next Thursday, to attend upon a sick parishioner.

Newcomer, from the Conference Committee upon H. B. No. 2, trade marks and brands, reported that the committee had agreed to recommend that the House concur in the Council amendments thereto.

Council went into Committee of the Whole to consider C. B. No. 25, in relation to county finances. Stuart in the chair.

Council resumed. Mr. President in the chair.

A communication was received from His Excellency the Governor, through his private secretary, Dr. Callaway.



Mr. President announced that he had in his possession a communication from His Excellency the Governor, which, in his judgment, required consideration in executive session.

The Council went into executive session.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Barber, from Joint Committee on Enrollment, reported H. B. No. 2 and H. B. No. 34 correctly enrolled.

Mr. President announced that he had just signed H. Bs. Nos. 2 and 34.

The following communication was received from the House through Chief Clerk Barrett:

HOUSE OF REPRESENTATIVES, }  
January 31, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That H. B. No. 22 has passed the House.

That H. Bs. Nos. 28, 29 and 35 have passed the House.

That the House has concurred in Council amendments to H. B. No. 2.

That Carmichael has given notice of a bill for an act prescribing the duties and regulating the rates of fare that may be collected by stage companies and other common carriers in the territory of Montana.

Stafford has given notice of an act to enable the people of Montana territory to aid in the construction of a railroad.

That Coleman has given notice of a bill entitled an act to amend an act entitled An Act regulating fees of district attorneys.

Respectfully,

BARRETT, *Chief Clerk.*

Garrigan, from Committee on Engrossment, reported C. B. No. 22, road law;

C. B. No. 23, to amend section 94, chapter 21, of the codified general laws;

C. B. No. 29, to protect certain persons from certain consequences;

Council amendments to H. B. No. 3, in relation to the disposal of certain surplus moneys in county treasuries; and

C. B. No. 27, an act to regulate proceedings in cases of certain misdemeanors upon pleas of guilty, correctly engrossed.

Newcomer, from Committee on Federal Relations, reported back C. J. M. No. 2, in relation to protection to the Yellowstone valley, recommending its passage.

Ordered engrossed.

Walker, from Committee on Military Affairs, reported back C. J. R. No. 1, to pay storage on arsenal supplies, with recommendation that it do pass.

Ordered engrossed.

Stuart, from Committee of the Whole, reported back C. B. No. 25, relating to county finances, with amendments, and the recommendation that the bill do pass as amended.

The amendments were adopted, and the bill ordered engrossed.

Garrigan, from the Select Committee of two, to whom was referred C. B. No. 26, to amend an act relating to counties and county boundaries, submitted a report recommending its passage.

Davis asked, and was granted, leave to submit a minority report.

On motion of Yager, the Council went into Committee of the Whole to consider C. B. No. 32, Sunday law. Yager in the chair.

Council resumed. Mr. President in the chair.

Motion of Stuart to take from the table H. B. No. 15, capital bill, was lost.

The Council adjourned until Monday morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## TWENTY-NINTH DAY.

FEBRUARY 2, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of Saturday read and approved.

Garrigan presented a petition from the citizens of Meagher county, praying for an amendment to the hog law; read and referred to Committee on Agriculture and Manufactures.

Davis presented a report on C. B. No. 26, to change the boundaries of Meagher county, recommending it do not pass.

Yager, from Committee of the Whole, reported back C. B. No. 32, Sunday law, with amendments; amendments adopted, and the bill referred to Committee on Education.

Garrigan, from Committee on Engrossment, reported C. J. R. No. 1, to pay storage on arsenal stores, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

The following notices of bills were given:

By Beattie : Of a bill to provide for amusements and recreations for the poor.

Also, of a bill defining the duties of administrators.

The following bills were introduced :

By Newcomer : Under leave, without notice, C. J. R. No. 2, to pay J. H. Mills for printing the report of the wardens of the penitentiary ; read first and second times, and referred to Committee on Ways and Means.

By Maillet : C. J. M. No. 3, asking protection for citizens of Deer Lodge and Missoula counties ; read first and second times, and referred to Committee on Indian Affairs.

H. B. No. 22, to make sheriffs ex-officio county treasurers ; read first and second times, and referred to Committee on Mines and Minerals.

H. B. No. 28, to dispose of unclaimed jury fees ; read first and second times, and referred to Judiciary Committee.

H. B. No. 29, to amend sec. 1, chap. 21 of codified general laws ; read first and second times, and referred to Committee on Elections.

H. B. No. 35, legislative apportionment bill, read first and second times, and ordered printed.

H. B. No. 3, disposal of surplus moneys in certain funds in county treasuries ; read third time, and recommitted to Judiciary Committee.

Council went into Committee of the Whole, to consider H. B. No. 23, relating to county commissioners, Newcomer in the chair.

Council resumed. Mr. President in the chair.

Newcomer, from Committee of the Whole, reported back H. B. No. 23, with amendments, and recommending its passage as amended; amendments rejected, and the bill referred to the Judiciary Committee.

C. B. No. 22, road law; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager, and Mr. President—12.

*Noes*—Newcomer—1.

Title agreed to.

C. B. No. 23, to amend sec. 94, chap. 21, of codified general laws; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—none.

Title agreed to.

C. B. No. 27, to regulate proceedings in certain misdemeanors; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager, Mr. President—11.

*Noes*—Cooper—1.

Absent—Newcomer—1.

Title agreed to.

C. B. No. 29, to protect certain persons from certain consequences; read third time, and passed by the following vote:



*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Maillet, Stuart, Walker, Yager, Mr. President—10.

*Noes*—Cooper, Dance, Newcomer—3.

Title amended, and agreed to as amended.

On motion of Arick, the vote by which C. B. No. 2<sup>d</sup> passed the Council was reconsidered, and on motion of Yager, the bill was made the especial order for to-morrow, at 2:15 o'clock P. M.

Arick, from Judiciary Committee, reported back H. B. No. 23, with the recommendation that it do pass.

Davis, of same committee, asked and was granted leave to present a minority report.

Council took a recess until 2 o'clock.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Dance.

Quorum present.

Cooper, from Committee on Agriculture and Manufactures, reported back C. B. No. 4, in relation to brands and marks, with the recommendation that it be referred to Committee of the Whole; report adopted, and the bill so referred.

Dance, from Judiciary Committee, submitted a minority report with H. B. No. 23, in relation to county commissioners, recommending that it be amended so as to exclude the counties of Beaverhead, Madison, Gallatin, Meagher, Jefferson, and

Choteau from its provisions; amendment rejected by the following vote:

*Ayes*—6.

*Noes*—7.

On motion of Garrigan, the bill was amended so as to except Jefferson, Beaverhead, and Meagher from its provisions, and the bill was referred to the Judiciary Committee.

Garrigan, from Committee on Engrossment, reported C. B. No. 25, in relation to county finances, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Barber, Cooper, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. President—10.

*Noes*—Arick, Beattie, Dance—3.

Title agreed to.

Also, C. J. M. No. 2, in relation to protection for the Yellowstone valley, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—12.

*Nays*—None.

Absent—Dance—1.

Council adjourned till to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

## THIRTIETH DAY.

FEBRUARY 3, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—absent, Arick and Cooper.

Quorum present.

Journal of yesterday read and approved.

Cooper was excused from attendance on account of sickness.

Newcomer, presented a petition from Mrs. M. W. Touhey, of Deer Lodge, praying for an act of divorce, which was read and referred to a select committee of one, consisting of Dance, of Deer Lodge.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES,  
February 3, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices of the introduction of bills were given as follows :

By Hartwell: An Act to amend sections 2, 3, 6, 7 and 20, chapter 40.

By Coleman: An Act to amend chapter 57 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

By Kerley: A bill to amend section 5 of an act concerning brands and marks.

By Harrington: An Act for the maintenance and care of insane persons:

By O'Keefe: An Act regulating lawyers' and doctors' fees.

By Emerson: An Act in relation to official bonds.

Also, An Act authorizing the several counties of this Territory to change their county seats.

The following bills were introduced:

By Sanders: H. J. M. No. 3.

By Alger: H. B. No. 38: An Act to amend an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory. Read first time and rejected.

By Coleman: H. B. No. 39: An Act to provide for a general election to be held biennially.

By Mead: H. B. No. 40, An Act concerning the management of live stock, and the better to protect the interests of stock-growers.

By Kerley: H. J. R. No. 4.

Also, H. B. No. 41, An Act to authorize the County Commissioners of Deer Lodge county to audit certain claims.

That H. Bs. Nos. 10 and 21 were indefinitely postponed.

That H. B. No. 24, An Act making probate judges ex-officio county clerks and recorders, was lost.

H. B. No. 37. Read third time and passed.

C. B. 27 was passed with amendment to title.

C. J. R. No. 4 has passed the House.

Respectfully,

BARRETT, *Chief Clerk.*

Dance and Yager, from the Committee on Immigration, reported back C. B. No. 36, creating the office of Commissioner of Immigration, recommending that it do not pass.

Bill referred to Committee of the Whole.

Dance, from the Committee of Ways and Means, reported C. J. R. No. 2, to pay J. H. Mills for printing Warden's Report, recommending its passage. Ordered engrossed.

Davis, from Committee on Towns and Counties, reported back C. B. No. 30, to amend an act to attach certain counties to others for judicial purposes, with the recommendation that it be referred to the Judiciary Committee.

Bill referred.

Garrigan, from the Committee on Elections, reported back H. B. No. 29, regarding the qualifications of electors, recommending it do pass.

Stuart, from the Committee on Indian Affairs, reported back C. J. M. No. 3, in relation to the protection of citizens of Deer Lodge and Missoula counties, recommending it do pass. Ordered engrossed.

Yager, with leave, without previous notice, introduced C. B. No. 44, a bill for An Act to provide for the education of deaf, mute, and blind children. Read first and second times, and referred to the Committee on Education.

Newcomer, by leave, without previous notice, introduced C. C. R. No. 5, in relation to printing. Read first and second times, and referred to the Committee of Ways and Means.

Council concurred in the House amendment to the title of C. B. No. 27, to regulate proceedings in cases of certain misdemeanors, and it was ordered enrolled.

H. B. No. 37, in relation to the pay of Territorial Treasurer and Auditor. Read first and second times, and referred to the Committee on Ways and Means.

On motion of Barber, the Printing Committee was instructed to return C. B. No. 18, to amend an act providing for the collection of revenue—and heretofore ordered printed—to the Council without printing. Subsequently Newcomer, from the committee, returned the bill as directed.

On motion of Beattie, a committee of one from each Council district, consisting of Beattie, Maillet, Davis and Yager, was appointed to inquire what if any legislation is needed to provide for the maintenance and treatment of the indigent insane, and were instructed to report, by bill or otherwise.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent (excused), Cooper. Absent, Dance.

Quorum present.

Dance was excused from attendance on account of sickness.

Newcomer, from the Committee on Printing, reported H. B. No. 35, apportionment, correctly printed. Bill referred to the Committee on Towns and Counties.



H. B. No. 29, relative to the qualification of electors, read third time, and recommitted and referred to the Judiciary Committee.

Yager submitted a minority report from the Committee on Education, with C. B. 32, Sunday law, recommending its passage.

Newcomer and Cooper, from the same committee, reported on same bill, recommending it be laid on the table.

Majority report adopted, and bill laid on the table.

A communication was received from His Excellency the Governor, through his private secretary, Dr. Callaway, containing a report of pardons for the two years ending December 20th, 1873. Read and referred to the Committee on Territorial Affairs.

Garrigan, from Committee on Engrossment, reported C. J. M. No. 3, relative to the protection of citizens of Deer Lodge and Missoula counties, correctly engrossed. Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Davis, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—10.

*Noes*—Garrigan—1.

*Absent*—(Excused) Cooper and Dance—2.

Title agreed to.

Also, C. J. R. No. 2, to pay J. H. Mills for printing report of Directors of the Penitentiary, correctly engrossed. Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker and Yager—10.

*Noes*—Mr. President—1.

*Absent*—(Excused) Cooper and Dance—2.

Title agreed to.

Council went into Committee of the Whole to consider the special order, C. B. No. 29, to facilitate the administration of justice, Garrigan in the chair.

Council resumed. Mr. President in the chair.

Garrigan, from Committee of the Whole, reported back C. B. No. 29, recommending its passage. Bill read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Maillet, Stuart, Walker and Mr. President—8.

*Noes*—Garrigan, Newcomer, and Yager—3.

*Absent*—(Excused) Cooper and Dance—2.

Title agreed to.

C. B. No. 18, to amend section 1 of an act providing for the collection of revenue. Read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—11.

*Noes*—None.

*Absent*—(Excused) Cooper and Dance—2.

Cooper introduced C. B. No. 45, to amend an act to regulate and govern the Penitentiary. Read first and second times, and referred to the Committee on Territorial Affairs.

A communication was received from the House, through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES, }  
February 3, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body :

That C. B. N. 20 has passed the House with substitute.

That C. B. No. 12 has passed the House.

That H. B. No. 41, a bill for An Act to authorize the County Commissioners of Deer Lodge county to audit certain claims, has passed the House.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

Barber, from Joint Committee on Enrollment, reported C. J. R. No. 4, to pay E. H. Bartlett & Co. and Thompson, and C. B. No. 27, to regulate proceedings in cases of certain misdemeanors, correctly enrolled.

Mr. President announced that he had just signed C. J. R. No. 4 and C. B. No. 27.

Council went into Committee of the Whole to consider C. B. No. 4, brands and marks, Davis in the chair.

Council resumed. Mr. President in the chair.

Council adjourned until to-morrow morning at 10 o'clock.

[Signed]

G. W. STAPLETON,  
*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## THIRTY-FIRST DAY.

FEBRUARY 4, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES, }  
February 4, 1874. }

MR. PRESIDENT—I am instructed to inform your honorable body that the following notices were given :

By Coleman : An act to repeal 156 and 157 of an act to regulate proceedings in criminal cases.

By McCauley : An act in regard to limitations.

By Ezekiel : An act providing compensation to the United States Marshal of the Territory, for performing certain duties.

By Heldt : An act to amend section 102 of the general and miscellaneous laws of Montana, in relation to dower.

The following bills were introduced :

By Hartwell : H. B. No. 42, an act to amend secs. 2, 3, 6, 7, and 20, of chap. 40, read first and second times and referred to the Judiciary Committee.

By Aiken: H. B. No. 43, an act to define a lawful fence, read first and second times and referred to Committee on Agriculture.

By Carmichael: An act prescribing the duties and regulating the rates of fare that may be collected by stage companies, read first and second times and referred to Committee on Territorial Affairs.

By O'Keefe: H. B. No. 45, an act to regulate the charges of lawyers and doctors, read first and second times and referred to Committee on Indian Affairs.

By Emerson: H. B. No. 46, an act in relation to official bonds, read first and second times and referred to Judiciary Committee.

Also, H. B. No. 47, an act to authorize the several counties to change their county seats, read first and second times and referred to Committee on Towns and Counties.

Also, H. B. No. 48, an act for the maintenance and support of illegitimate children, read first and second times and referred to Judiciary Committee.

By Stafford: H. B. No. 49, an act to enable the people of the Territory of Montana to aid in the construction of railroads, read first and second times and ordered printed.

That the following bills have passed the House:

H. C. R. No. 1.

C. B. No. 42, an act to authorize the appointment and qualification of deputy clerks of the district court.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway :

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Feb. 4, 1874. }

*To the Council:*

I have the honor to inform the Council, that I did, on the 28th day of January, 1874, approve C. B. No. 41, entitled An Act to provide for the support and maintenance of the Deer Lodge fire department.

Also, on the 3d day of February, A. D. 1874, I approved C. J. R. No. 4, to pay Wm. Thompson and E. H. Bartlett & Co., for repairing arsenal in 1872.

And also, on the same day I approved C. B. No. 27, entitled An Act to regulate proceedings in cases of certain misdemeanors.

Respectfully,

B. F. POTTS, *Governor.*

Maillet presented a petition from citizens of Missoula county, asking an appropriation for the building of a road in that county, which was read and referred to the Committee on Roads and Highways.

Yager, from the Committee on Education, reported back C. B. No. 44, for the education of deaf, mute, and blind children, recommending its passage. Ordered engrossed.

Barber, from Joint Committee on Enrollment, reported C. J. R. No. 4, for the relief of E. H. Bartlett & Co., and Thompson; and C. B. No. 27, to regulate proceedings in certain cases, presented to the Governor for his approval at 3:30 o'clock p. m. February 3, 1874.



Newcomer, from Special Committee to whom was referred C. B. No. 21, authorizing the county commissioners of Deer Lodge county to levy a special tax for road purposes, reported the same back with amendments. Amendments adopted and bill ordered engrossed.

Davis, from the Committee of the Whole, reported back C. B. No. 4, marks and brands, with amendments. Amendments adopted, bill further amended and ordered engrossed.

Barber, from the Joint Committee on Enrollment, reported C. B. No. 12, rights of married women, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 12.

The following bills were introduced :

By Yager: C. B. No 46, a bill for an act to provide for and regulate the rates of charges for the publication of legal documents, read first and second times and referred to the Judiciary Committee.

By Beattie: C. B. No. 47, a bill for an act to amend chapter 50 of the general and miscellaneous laws of Montana Territory, read first and second times and referred to the Committee on Towns and Counties.

House substitute for C. B. No. 20, to abolish private seals, referred to Judiciary Committee.

H. B. No. 41, a bill for an act to authorize the county commissioners of Deer Lodge county to audit certain claims, read first and second times and referred to a select committee consisting of the delegation from the second Council District.

H. C. R. No. 1, making an appropriation to the Historical Society, read first and second times and referred to the Committee on Ways and Means.

Arick, from Judiciary Committee, reported back H. B. No. 23, relating to county commissioners, with amendments. Amendments adopted.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Dance, the select committee to whom was referred the petition of Marian W. Touhey, reported the same back with C. B. No. 48, to dissolve the bonds of matrimony in accordance with the prayer of said petition. Read first and second times, and, on motion of Garrigan, indefinitely postponed.

On motion of Stuart, the vote by which the bill was indefinitely postponed was reconsidered, and the bill was referred to a select committee consisting of Beattie and Newcomer.

Barber, from Joint Committee on Enrollment, reported C. B. No. 12, rights of married women, presented to the Governor for his approval, at 10:30 o'clock A. M. this day.

Also, C. B. No. 42, appointment of deputy clerks of district courts, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 42.

Maillet gave notice of a bill authorizing the Territorial Auditor and Treasurer to publish yearly reports.

Council amendments to H. B. No. 23, relating to county commissioners, ordered engrossed.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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### THIRTY-SECOND DAY.

FEBRUARY 5, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called — all present.

Journal of yesterday read and approved.

Dance, from the Committee of Ways and Means. reported back H. B. No. 37, to regulate the salaries of Territorial Auditor and Treasurer, with amendments.

Amendments adopted and ordered engrossed.

Also, H. C. R. No. 1, making an appropriation for the Historical Society, with amendments.

Amendments adopted, further amended, and ordered engrossed.

A communication was received from the House, through chief clerk Barrett as follows:

HOUSE OF REPRESENTATIVES, }  
February 5, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices were given in the House as follows:

By Coleman: An Act making the probate judges of the several counties ex-officio superintendents of common schools.  
Also, An Act to incorporate the town of Bozeman.

That H. Bs. Nos. 1 and 30, and C. J. M. No. 3, have passed the House.

That H. B. No. 31 was lost.

Respectfully,

BARRETT, *Chief Clerk.*

Barber, from Joint Committee on Enrollment, reported C. B. No. 42, an act to authorize the appointment of deputy clerks of district courts, presented to the Governor for his approval at 3:15 o'clock P. M., February 4, 1874.

Newcomer, from Committee on Printing, reported C. B. No. 33, school law, correctly printed.

On motion of Stuart, H. B. No. 15, capital bill, was taken from the table by the following vote:

*Ayes*—Arick, Beattie, Dance, Garrigan, Newcomer, Stuart and Walker—7.

*Noes*—Barber, Cooper, Davis, Maillet, Yager and Mr. President—6.

Motion of Yager, to refer it to a select committee of one from each Council district, was lost by the following vote:

*Ayes*—Barber, Cooper, Davis, Maillet, Yager and Mr. President—6.

*Noes*—Arick, Beattie, Dance, Garrigan, Newcomer, Stuart and Walker—7.

Referred to the Judiciary Committee by the following vote :

*Ayes*—Arick, Beattie, Dance, Garrigan, Newcomer, Stuart and Walker—7.

*Noes*—Barber, Cooper, Davis, Maillet, Yager and Mr. President—6

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Barber, from Joint Committee on Enrollment, reported C. J. M. No. 3, praying for protection for citizens of Deer Lodge and Missoula counties, correctly enrolled.

Mr. President announced that he had just signed C. J. M. No. 3.

Garrigan, from Committee on Enrollment, reported C. B. No. 21, authorizing the commissioners of Deer Lodge county to levy a special tax for road purposes, correctly engrossed.

Also, Council amendments to H. B. No. 23, relating to county commissioners, correctly engrossed.

Read third time and passed by the following vote:

*Ayes*—Arick, Beattie, Cooper, Dance, Maillet, Newcomer and Walker—7.

Noes—Barber, Davis, Garrigan, Stuart, Yager and Mr. President—6.

Also, C. B. No. 44, to provide for the education of deaf, mute, and blind children, correctly engrossed.

Dance, from Committee of Ways and Means, reported back C. C. R. No. 5, relative to printing, recommending that it do pass.

Garrigan, from the same committee, submitted a minority report on the same bill, recommending an amendment.

The amendment was rejected, and the resolution ordered engrossed.

The Council went into Committee of the Whole to consider C. B. No. 33, school law. Arick in the chair.

Council resumed. Mr. President in the chair.

Barber, from Joint Committee on Enrollment, reported C. J. M. No. 3 presented to the Governor for his approval at 2:35 o'clock P. M. this day.

Dance gave notice of a bill to amend the act to regulate and govern the territorial penitentiary.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*



## THIRTY-THIRD DAY.

FEBRUARY 6, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—Absent, Newcomer.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Newcomer was excused from attendance until 2 o'clock P. M., on account of sickness.

Dance, from the Committee on Ways and Means, reported back H. B. No. 9, relating to appropriation of moneys collected from licenses, recommending its passage; bill laid on table by following vote:

*Ayes*—Cooper, Dance, Davis, Maillet, Yager, and Mr. President—6.

*Noes*—Arick, Beattie, Garrigan, Stuart, Walker—5.

Absent on duty—Barber—1.

Absent, excused—Newcomer—1.

Also, C. B. No. 5, of the same import, recommending it be laid on the table; report adopted.

Garrigan, from Committee on Engrossment, reported back

C. B. No. 4, brands and marks, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager, Mr. President—11.

*Noes*—Cooper—1.

Absent, excused—Newcomer.

Title agreed to.

Also, C. C. R. No. 5, in relation to printing, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager, Mr. President—12.

*Nays*—None.

Absent, excused—Newcomer—1.

Title agreed to.

Also, Council amendments to H. B. No. 37, salaries of territorial auditor and treasurer, correctly engrossed; read third time; Beattie moved to recommit the bill to the Committee on Territorial Affairs, with instructions to amend so as that the auditor's salary shall be fixed at one thousand dollars, and treasurer's salary at eight hundred dollars per annum, which motion, on motion of Davis, was laid on the table by the following vote:

*Ayes*—Barber, Cooper, Davis, Garrigan, Maillet, Stuart, Yager—7.

*Noes*—Arick, Beattie, Dance, Walker, Mr. President—5.

Absent, excused—Newcomer—1.

Beattie moved to commit, with instructions to amend, mak-

ing treasurer's salary eight hundred dollars; lost by the following vote:

*Ayes*—Arick, Beattie, Dance, Walker, Mr. President—5.

*Noes*—Barber, Cooper, Davis, Garrigan, Maillet, Stuart, Yager—7.

Absent, excused—Newcomer—1.

On motion of Barber, the bill was then recommitted and referred to the Committee on Territorial Affairs, with instructions to amend by making the salary of both auditor and treasurer fifteen hundred dollars per annum, by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Garrigan, Walker, Yager, Mr. President—8.

*Noes*—Dance, Davis, Maillet, Stuart—4.

Absent, excused—Newcomer—1.

A communication was received from the House, through Chief Clerk Barrett, transmitting petitions of citizens of Galatin county; read and referred to the Committee on Agriculture and Manufactures.

Garrigan presented a petition from citizens of Meagher; read and referred to the Committee on Agriculture and Manufactures.

Dance, from Special Committee, to whom was referred H. B. No. 41, authorizing the commissioners of Deer Lodge county to audit certain claims, reported the same back, recommending it be referred to the Judiciary Committee; report adopted, and bill so referred.

Arick, from Committee of the Whole, reported back C. B. No. 33, school law, with amendments; amendments adopted.

On motion of Stuart, the bill was further amended by striking out sec. 34, by the following vote :

*Ayes*—Arick, Beattie, Cooper, Davis, Stuart, Yager—6.

*Noes*—Garrigan, Maillet, Walker, Mr. President—4.

Absent, on duty—Barber—1.

Absent, excused—Newcomer—1.

Absent—Dance—1.

Bill as amended ordered engrossed.

H. B. No. 1, to attach certain territory to the counties of Madison and Beaverhead ; read first and second times, rules suspended, read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Maillet, Stuart, Walker, Yager, Mr. President—10.

*Noes*—1.

Excused from voting—Dance—1.

Absent, excused—Newcomer—1.

Title agreed to.

H. B. No. 30, in relation to the collection of revenue ; read first and second times, and referred to the Committee of Ways and Means.

Council took a recess until 2 o'clock P. M.

2 o'clock p. m.—Council resumed. Mr. President in the chair.

Roll called—all present.

Arick, from the Judiciary Committee, reported back H. B. No. 15, capital bill, recommending its passage.

Maillet offered the following amendment:

Strike out Helena, in Lewis and Clark county, and insert in lieu thereof, Deer Lodge City, in Deer Lodge county.

Stuart moved to amend the amendment by striking out "Deer Lodge City, in Deer Lodge county," and inserting in lieu thereof the words, "Radersburg, in Jefferson county," which was lost by the following vote:

*Ayes*—Arick, Cooper, Davis, Maillet, Stuart—5.

*Noes*—Barber, Beattie, Dance, Garrigan, Newcomer, Walker, Yager, Mr. President—8.

The amendment of Maillet was then adopted by the following vote:

*Ayes*—Barber, Cooper, Davis, Maillet, Newcomer, Yager, Mr. President—7.

*Noes*—Arick, Beattie, Dance, Garrigan, Stuart, Walker—6.

The amendment was ordered engrossed.

On motion of Garrigan, the Chief Clerk was directed immediately to convey to the House for its information the action of the Council upon H. B. No. 15.

Arick, from the Committee on Territorial Affairs, reported

back H. B. No. 37, with amendments as instructed ; read third time, and passed by the following vote :

*Ayes*—Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Yager, Mr. President—9.

*Nays*—Arick, Stuart, Walker—3.

Absent on duty—Barber—1.

Title agreed to.

Davis presented petitions from citizens of Gallatin county, protesting against the proposed change of the boundary of said county ; read and referred to the Committee on Towns and Counties.

C. B. No. 26, to change the boundaries of Gallatin and Meagher counties, was taken from the table and referred to the Committee on Towns and Counties.

Davis, on leave, without previous notice, introduced C. B. No. 47, relating to fees of district attorneys ; read first and second times, and referred to Judiciary Committee.

Newcomer, on leave, without previous notice, introduced C. C. R. No. 6, in relation to printing ; read first and second times, and referred to the Committee on Ways and Means.

C. B. No. 21, to authorize a special tax in Deer Lodge county ; read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Dance, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.



C. B. No. 44, to provide for the education of deaf, mute, and blind children; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

On motion of Newcomer, C. B. No. 33, school law, was recalled from the Engrossing Committee by the following vote:

*Ayes*—Arick, Barber, Dance, Garrigan, Maillet, Newcomer, Walker, Yager, Mr. President—9.

*Noes*—Beattie, Cooper, Davis, Stuart—4.

On motion of Yager, the vote by which section 34 was stricken out was reconsidered by the following vote:

*Ayes*—Arick, Barber, Dance, Garrigan, Maillet, Newcomer, Walker, Mr. President—8.

*Noes*—Beattie, Cooper, Davis, Stuart, Yager—5.

On motion of Beattie, sec. 34 was amended by striking out the word "may," and inserting in lieu thereof the word "shall," by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Stuart, Yager—7.

*Noes*—Dance, Garrigan, Maillet, Newcomer, Walker, Mr. President—6.

The bill was then ordered engrossed.

Barber, from Joint Committee on Enrollment, reported H. B. No. 1 correctly enrolled.

Council went into Committee of the Whole, to consider C. B. No. 36, providing for a commissioner of immigration, Garrigan in the chair.

Council resumed. Mr. President in the chair.

Garrigan, from Committee of the Whole, reported back C. B. No. 36, with a substitute, recommending the substitute do pass; substitute adopted.

On motion, the Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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### THIRTY-FOURTH DAY.

FEBRUARY 7, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Davis, from the Committee on Towns and Counties, reported back H. B. No. 35, apportionment bill, with amendments. Amendments adopted.

Garrigan offered further amendments, which, with the bill, were referred to Committee of the Whole, and made special order for 2:30 o'clock P. M.

Dance, from Committee of Ways and Means, reported back H. B. No. 30, in relation to collection of revenue, recommending that the same do pass. Read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Stuart, Walker, Yager, Mr. President—12.

*Noes*—Newcomer—1.

Title agreed to.

Garrigan, from Committee on Engrossment, reported back Council amendments to H. B. No. 15, capital bill, correctly engrossed. Read third time and passed as amended, by the following vote:

*Ayes*—Barber, Cooper, Davis, Maillet, Newcomer, Yager, Mr. President—7.

*Noes*—Arick, Beattie, Dance, Garrigan, Stuart, Walker—6.

Title agreed to.

Also, C. B. No. 33, school law, with amendments correctly incorporated in the printed copy, which, on motion of Newcomer, was considered an engrossed copy of the bill, and on further motion the Chief Clerk was instructed to inform the House of this action of the Council, and request the House to accept the same as an engrossed copy.

Arick, from the Committee on Territorial Affairs, reported back C. B. No. 45, in relation to the penitentiary, recommending that it do pass. Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Maillet, Newcomer, Stuart, Walker, Yager, Mr. Speaker—12.

*Noes*—Garrigan—1.

Title agreed to.

Arick, from Judiciary Committee, reported C. B. No. 19, in relation to the jurisdiction of justices of the peace, with the recommendation that it be laid on the table, and asking leave to introduce a substitute therefor.

Report adopted, bill laid on the table, and leave granted.

Also, C. B. No. 49, to amend an act to regulate fees of District Attorney, recommending its passage. Ordered engrossed.

Also, C. B. No. 11, in relation to the fees of Probate Judge, with amendments. Amendments adopted, and bill ordered engrossed.

Also, H. B. No. 41, to authorize the county commissioners of Deer Lodge county to audit certain claims, recommending its passage. Read third time, and passed by the following vote :

*Ayes* — Arick, Barber, Beattie, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. President—12.

*Noes*—Cooper—1.

Title agreed to.

The following bills were introduced :

By the Judiciary Committee, on leave, without previous notice, C. B. No. 50, a bill for an act entitled an act to amend section 6 of chapter 1 of criminal practice act. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. President—13.

*Nays*—None.

Title agreed to.

By Dance: C. B. No. 51, a bill for an act entitled an act to regulate and govern the Montana penitentiary, approved May 8th, 1873. Read first and second times and referred to the Committee on Territorial Affairs.

Also, C. B. No. 52, a bill for an act to provide for the relief of the several counties of Montana Territory. Read first and second times and referred to the Committee of the Whole, and made the special order for 7 o'clock P. M. this day.

By Maillet: C. B. No. 53, an act defining the duties of Territorial Auditor. Read first and second times and referred to the Committee on Territorial Affairs.

A communication was received from the House, through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES, }  
February 6, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices have been given as follows:

By Heldt: A bill in relation to toll roads.

By Ezekiel: A bill for an act to amend sec. 14 of an act

concerning licenses, approved Jan. 10th, 1872.

That H. Bs. Nos. 47, 52, 51, and 48, an C. B. No. 39 and C. J. M. No. 2 have passed the House.

That the House disagree to amendments of the Council to H. B. No. 23, and ask that a Committee of Conference be appointed. Messrs. Sanders, Stafford and Kerley were appointed on the part of the House as said committee.

H. J. R. No. 3 was lost in the House.

That the following bills were introduced :

By Coleman : H. B. No. 53, an act making the Probate Judges of the several counties ex-officio superintendents of common schools thereof.

By Arnoux : H. B. No. 54, an act to promote education in Montana.

By Kerley : H. B. No. 55, an act to amend an act in relation to marks and brands.

By Ezekiel : H. J. R. No. 5, authorizing the superintendent of public instruction to purchase "Wonderland."

By Curtis : H. J. R. No. 6, to pay E. W. Driggs.

That H. J. R. No. 5 was laid on the table.

H. J. R. No. 6 was rejected.

That Carmichael has given notice of a bill for an act to encourage manufactories in the Territory of Montana.

That H. B. No. 50, an act to provide for the observance of the first day of the week as a day of rest, was lost.

Respectfully,

BARRETT, *Chief Clerk.*



C. B. No. 39 and C. J. M. No. 2 were ordered enrolled.

Beattie, Davis, and Newcomer were appointed a committee on the part of the Council to act with the like committee from the House to confer on H. B. No. 23, in accordance with the request of the House.

H. B. No. 47, to provide for changes in county seats, read first and second times and referred to the Committee on Towns and Counties.

H. B. No. 48, to provide for the support of illegitimate children, read first and second times and referred to the Judiciary Committee.

H. B. No. 51, to pay U. S. Marshal for certain duties, read first and second times and referred to Committee on Ways and Means.

C. B. No. 52, to regulate the fees of county commissioners, read first time and laid on the table.

Mr. President announced that he had just signed H. B. No. 1.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Dance, from the Committee on Ways and Means, reported C. C. R. No. 6, in relation to printing, with amendments.

Amendments adopted and ordered engrossed.

Maillet gave notice of the introduction of a bill relating to the killing of game and catching of fish.

A communication was received from the House through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES, }  
February 7, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that notices have been given as follows:

By Alger: A bill to reimburse S. T. Hauser, W. F. Sanders, C. L. Dahler, P. A. Largy, Sam. Wood, and sundry citizens for moneys expended in trying to procure a railroad, and for money spent in engrossing railroad bills at present session.

By Sutton: An Act to dispose of certain surplus funds in the territorial treasury.

That bills were introduced as follows:

By Heldt, H. B. No. 56, an act in relation to toll roads and bridges.

By Ezekiel, H. B. No. 57, an act to amend section 14 of an act concerning license, approved January 10, 1872.

By Sanders, H. B. 58, an act fixing the time of meeting of the Legislative Assembly of Montana territory.

By Coleman, H. B. 59, an act entitled An Act to authorize the county commissioners to levy a special tax and build a bridge across the West Gallatin.

By Coleman, H. B. 60, an act to protect the town of Bozeman against fire, etc.

By Emerson, H. B. No. 61, an act to repeal section 25 of an act concerning license.

That H. B. No. 61 passed the House.

That the House disagree to Council amendments to H. B. 37, and ask the Council to recede.

That the House disagree to Council amendments to H. B. No. 15, and ask the Council to recede.

That H. B. 49 was lost on final passage.

That Stafford introduced H. J. R. No. 7, for the relief of S. R. Shankland.

Respectfully,

BARRETT, *Chief Clerk.*

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway, as follows :

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, February 7, 1874. }

*To the Council :*

I have the honor to inform the Council that I did, on the 4th day of February, A. D. 1874, approve C. B. No. 12, entitled An Act to authorize married women in their own names to transact business as sole traders.

Also, on same day I approved C. B. No. 42, entitled An Act to authorize the appointment and qualification of deputy clerks of district courts.

Also, on the 5th day of February, A. D. 1874, I approved C. J. M. No 3.

Respectfully,

B. F. POTTS, *Governor.*

The special order for 2:30 o'clock was postponed until the evening session.

H. B. No. 15, capital bill, having been returned from the House asking the Council to recede from its amendments thereto, on motion of Stuart, the Council receded from its amendments by the following vote :

*Ayes*—Arick, Beattie, Dance, Garrigan, Newcomer, Stuart and Walker—7.

*Noes*—Barber, Cooper, Davis, Maillet, Yager and Mr. President—6.

C. B. No. 36, immigration bill, indefinitely postponed by the following vote :

*Ayes*—Barber, Cooper, Dance, Davis, Maillet, Stuart, Yager and Mr. President—8.

*Noes*—Arick, Beattie, Garrigan and Walker—4.

*Absent*—Newcomer—1.

Barber, from Joint Committee on Enrollment, reported C. J. M. No. 2, in relation to protection of Yellowstone valley, and C. B. No. 39, to amend law relating to the canvass of votes where several counties are united to one district, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 39 and C. J. M. No. 2.

Garrigan, from Committee on Engrossment, reported C. B. No. 49, fees of district attorneys, and C. B. No. 11, salaries of probate judges, correctly engrossed.

C. B. No. 33, school law, rules suspended, bill read a third time by its title, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart and Walker—11.

Noes—Yager and Mr. President—2.

Title agreed to.

Council took a recess until 7 o'clock P. M.

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7 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—absent, Dance and Newcomer.

A communication was received from Hon. M. Maginnis, read and referred to the Committee on Federal Relations.

Council went into Committee of the Whole to consider the special orders. Arick in the chair.

Council resumed. Mr. President in the chair.

Barber, from Joint Committee on Enrollment, reported H. Bs. Nos. 15, capital bill, and 41, to authorize the county commissioners of Deer Lodge county to audit certain claims, correctly enrolled.

Mr. President announced that he had just signed H. Bs. Nos. 15 and 41.

A communication was received from the House, through chief clerk Barrett, as follows.

HOUSE OF REPRESENTATIVES, }  
February 7, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That C. B. No. 18 has passed the House, with amendments.

That C. B. No. 23 and H. B. No. 54 and H. J. R. No. 7 have passed the House.

That C. J. R. No. 1 was indefinitely postponed.

Respectfully,

BARRETT, *Chief Clerk.*

Council concurred in House amendments to C. B. No. 18, to amend an act providing for the collection of revenue.

Ordered enrolled.

C. B. No. 23, to amend section 94, chapter 21, of general laws, ordered enrolled.

On motion of Maillet, the sergeant-at-arms was granted leave of absence until Tuesday morning.

The Council adjourned until Monday morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*



## THIRTY-SIXTH DAY.

FEBRUARY 9, 1874.

Council met pursuant to adjournment. Newcomer in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Dance, from the Committee on Ways and Means, reported back H. B. No. 51, to pay U. S. Marshal for certain services, without recommendation. Read third time and recommitted and referred to the Judiciary Committee.

Arick, from the Committee of the Whole, reported back C. B. No. 52, in relation to sinking fund, recommending it be laid on the table, and that leave be granted to introduce a substitute without previous notice.

The bill was laid on the table and leave granted.

Garrigan, from the Committee on Engrossment, reported C. J. R. No. 6, in relation to printing, correctly engrossed. Read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—none.

Title agreed to.

Barber, from Joint Committee on Enrollment, reported H. B. No. 30, relating to revenue, C. B. No. 18, relating to collection of revenue, C. B. No. 23, to amend section 94, chap. 21 of general laws, correctly enrolled.

Mr. President announced that he had just signed H. B. No. 30, C. B. No. 18, and C. B. No. 23.

Arick, from the Judiciary Committee, reported back C. B. No. 15, recommending that it be laid on the table.

Bill laid on the table.

Also, C. B. No. 7, to amend section 1, chapter 83, of the general laws, recommending it do pass. Rules suspended, considered engrossed, read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Newcomer, Stuart, Walker, Yager, Mr. President—11.

*Noes*—Dance and Maillet—2.

Title agreed to.

Barber, from Joint Committee on Enrollment, reported C. J. M. No. 2 and C. B. No. 39 presented to the Governor for his approval at 4:06 o'clock p. m., February 7th, 1874. Also, C. Bs. Nos. 18 and 23 presented to the Governor for his approval at 10:45 o'clock a. m. this day.

Beattie gave notices of bills :

To define the duties of probate judges.

Also, one in regard to the licenses of dealers in liquors.

The following bills were introduced.

By Davis, with leave, without previous notice, C. B. N. 54, appropriating certain moneys to the support of the Peniten-

tiary. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Maillet, Newcomer, Stuart, Walker and Yager—9.

*Noes*—Garrigan and Mr. President—2.

Absent—Cooper and Dance—2.

Title agreed to.

Also, by leave, without previous notice, C. B. No. 55, to amend an act relating to attachments. Read first and second times and referred to the Judiciary Committee.

Also, on leave, without previous notice, C. B. No. 56, amending an act relating to County Commissioners. Read first and second times and referred to the Judiciary Committee.

By Maillet: C. B. No. 57, game law. Read first and second times, and referred to the Judiciary Committee.

By Garrigan, on leave, without previous notice, C. B. No. 58, relating to the collection of revenue. Read first and second times and referred to the Committee on Ways and Means.

Barber, from the select Committee to whom was referred C. B. No. 35, fees of witnesses, reported the same back with amendment.

Amendment adopted and ordered engrossed.

Beattie moved that the Council recede from its amendment to H. B. No. 37, salaries of Auditor and Treasurer, which motion was lost by the following vote:

*Ayes*—Arick, Beattie and Walker—3.

*Noes*—Barber, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Yager, and Mr. President—10.

On motion of Yager, the Council insists on its amendment.

H. J. R. No. 7, for the relief of S. R. Shankland. Read first and second times, rules suspended, read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

H. H. No. 43, fence law, read first and second times, and referred to the Committee on Agriculture and Manufactures.

H. B. No. 46, official bonds. Read first and second times and referred to the Judiciary Committee.

H. B. No. 54, to promote education. Read first and second times, and referred to the Committee on Education.

H. B. N. 61, license on telegraph companies. Read first and second times, and referred to the Committee on Ways and Means.

C. B. No. 11, to amend section 38, chapter 21, of the general laws. Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

C. B. No. 49, fees of district attorneys. Read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Maillet, Newcomer and Walker—9.

*Noes*—Dance, Stuart and Mr. President—3.

Title agreed to.

A communication was received from the House, through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES,  
February 9, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that H. J. R. No. 8, to pay W. W. Chapman for services rendered, has passed the House.

Respectfully,

BARRETT, *Chief Clerk.*

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Garrigan, from the Committee on Engrossment, reported back H. C. R. No. 1, making an appropriation to the Historical Society, correctly engrossed. Read third time and passed by the following vote.

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

Also, C. B. No. 35 correctly engrossed. Read third time and passed by the following vote:

*Ayes* — Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes* — None.

Title agreed to.

H. J. R. No. 8, to pay W. W. Chapman. Read first and second times and referred to the Committee on Ways and Means.

Beattie, from the Conference Committee on H. B. No. 23, in relation to county commissioners, reported, recommending that the Council recede from its amendment exempting certain counties from the provisions of the bill. The Council refused to adopt the recommendation of the committee by the following vote:

*Ayes* — Arick, Beattie, Garrigan and Walker — 4.

*Noes* — Barber, Cooper, Dance, Davis, Maillet, Newcomer, Stuart, Yager and Mr. President—9.

A motion to reconsider the vote by which the Council refused to adopt the recommendation of the report of the committee was, on motion of Yager, laid on the table by the following vote, on a division:

*Ayes*—7.

*Noes*—6.

Dance, from the Committee of Ways and Means, reported back C. B. No. 58, with amendments.

Amendments adopted and ordered engrossed.



Also, H. B. 61, in relation to licenses on telegraph offices, without recommendation.

A communication was received from the House through Chief Clerk Barrett :

HOUSE OF REPRESENTATIVES, }  
February 9, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body :

That Mr. Kennedy gave notice of a bill to amend sections 1 and 8 of an act concerning license, approved May 8th, 1873.

That H. B. No. 64 was introduced by Heldt: An Act to amend section 102 of an act entitled an act in relation to administrators and executors.

Aiken introduced H. J. R. No. 8, to pay W. W. Chapman, which passed the House.

Coleman introduced H. J. M. No. 5, to appropriate money to open the Yellowstone River.

That H. B. 36, An Act to promote mining, was lost.

That C. B. No. 21, An Act to authorize the county commissioners of Deer Lodge county to levy a special tax for the purpose of buying, building and repairing bridges, passed the House with amendments.

That the House insist on their disagreement to Council amendment to H. B. No. 37, and ask a committee of conference. Sanders, Ezekiel and Sutton were appointed on the part of the House.

That H. Bs. Nos. 64, 18, 7, 11, 19, 32, 6 and 53, have been indefinitely postponed.

That H. Bs. Nos. 60 and 25, H. J. M. No. 4, H. J. No. 3.  
BARRETT, *Chief Clerk*.

Davis, from Committee on Towns and Counties, reported back C. B. No. 47, to amend chapter 50 of general laws, with amendments.

Amendments adopted and ordered engrossed.

Also, C. B. No. 26, to change boundaries of Meagher and Gallatin counties, with amendments.

Amendments adopted and ordered engrossed.

Cooper, from Committee on Agriculture and Manufactures, reported H. B. No. 43, to define a lawful fence, recommending its passage.

Council went into Committee of the Whole to consider H. B. No. 36, apportionment bill, Arick in the chair.

Council resumed. Mr. President in the chair.

Barber, from Joint Committee on Enrollment, reported H. J. R. No. 7, for the relief of S. R. Shankland, correctly enrolled.

Mr. President announced that he had just signed H. J. R. No. 7.

Arick, from Committee of the Whole, reported progress and asked leave to sit again. Leave granted.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk*.

## THIRTY-SEVENTH DAY.

FEBRUARY 10, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Garrigan, from Committee on Engrossment, reported back C. B. No. 26, to amend act concerning counties and county boundaries, correctly engrossed. Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Newcomer, Stuart, Walker, Yager, Mr. President—11.

*Nays*—None.

Absent—Dance, Maillet—2.

Title agreed to.

Also, C. B. No. 58, to amend revenue law, laid on the table.

Dance, minority from Committee on Ways and Means, reported back H. J. R. No. 8, to pay W. W. Chapman, recommending its passage.

Garrigan and Yager, from same committee, reported, recommending it be indefinitely postponed.

Majority report adopted.

Bill indefinitely postponed by the following vote :

*Ayes*—Barber, Davis, Garrigan, Newcomer, Stuart, Yager, Mr. President—7

*Noes*—Arick, Beattie, Cooper, Dance, Maillet, Walker—6.

Yager, from Committee on Education, reported back H. B. No. 54, to promote education, with amendments. Amendments adopted, and ordered engrossed. Reported correctly engrossed, read third time and lost by the following vote:

*Ayes*—Arick, Beattie, Cooper, Newcomer, Walker—5.

*Noes*—Barber, Dance, Davis, Garrigan, Stuart, Yager, Mr. President—7.

Newcomer, from Joint Committee to examine Auditor's and Treasurer's books, reported as follows:

MR. PRESIDENT—Your Joint Committee, appointed by the Council and House to examine the Auditor's and Treasurer's books, for twenty-five months ending December 31st, 1873, and from the meeting of the last regular Legislative Assembly, beg leave to report that they have made a thorough and complete examination of all the accounts, vouchers, books, and transactions of the Auditor during the time above mentioned, and find all the accounts and vouchers correct, and the books corresponding with the report of the Territorial Auditor, made to the Legislative Assembly at this session, with the exception of a discrepancy in the account of Dezell Gilbert, late Treasurer of the county of Madison, amounting to \$181.00, in favor of the Territory and against the estate of said Gilbert. Which said matter has been thoroughly investigated by the Finance Committee of the House, and the facts thereof reported to the House, to which your committee make reference.

That your committee further find, upon close examination of the books and accounts of the Territorial Treasurer for the, twenty-five months above mentioned, that they are correct

corresponding with the Auditor's books, the report of the Territorial Treasurer made to this Legislative Assembly; that the accounts are all balanced and books kept in a manner that reflects credit upon the Treasurer.

NEWCOMER,

BARBER,

YAGER,

*Committee of Council.*

CURTIS,

COLEMAN,

STAFFORD,

*Committee of the House.*

The report was adopted.

Garrigan introduced C. C. R. No. 7, to appropriate moneys to the Muscleshell wagon road and other purposes. Read first and second times and referred to the Committee on Ways and Means.

A communication was received from the House, through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES, }  
February 10, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That Harrington gave notice of a bill for an act to amend section 2 of an act concerning license, approved May 8, 1873.

That the House concurred in Council amendments to H. B. No. 23.

That C. B. No. 29, an act to facilitate the administration of justice; C. B. No. 17, an act to provide for the collection of statistics; C. C. R. No. 6, in relation to printing, have passed the House.

C. C. R. No. 5, in relation to printing, passed the House with amendments.

That C. B. No. 22, passed the House with amendments.

That H. J. R. No. 4, H. Bs. Nos. 56, 13, 63, and 65, passed the House.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

House amendments to C. B. No. 21 concurred in and bill ordered enrolled.

The House having refused to concur in Council amendments to H. B. No. 37, and asked a committee of conference. Beattie, Barber and Maillet were appointed as such committee on the part of the Council, to confer with the like committee from the House.

C. C. R. No. 5, in relation to printing, having been returned from the House with amendments, the Council refused to concur therein.

C. J. R. No. 2, to pay J. H. Mills for printing, C. C. R. No. 6, to pay Deyarmon, and C. B. No. 29 were ordered enrolled.

C. B. No. 22, road law, having been returned from the House with amendments, the Council concurred therein and the bill ordered enrolled.

On motion of Stuart, the Engrossing and Assistant Clerks were requested to assist the Enrolling Clerk when not otherwise employed.

H. J. M. No. 3, read first and second times and referred to the Committee on Federal Relations.

H. J. M. No. 4, read first and second times and referred to Committee on Federal Relations.



H. J. R. No. 4, to pay for printing, read first and second times and referred to the Committee on Ways and Means.

A communication was received from His Excellency the Governor, through his private secretary, Dr. Callaway, as follows :

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Feb. 10, 1874. }

*To the Council:*

I have the honor to inform the Council, that I did, on the 7th day of February, 1874, approve C. J. M. No. 2, in relation to the protection of the Yellowstone Valley and of communication with the town of Bismarck, in Dakota.

Also, on the same day I approved C. B. No. 39, entitled An Act to amend sections 32 and 33 of chapter 23 of an act entitled an act revising re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

Also, on the 9th day of February, 1874, I approved C. B. No. 23, entitled an act to amend sec. 94, chapter 21 of an act entitled an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

Also, on the same day I approved C. B. No. 18, entitled An Act to amend an act entitled an act providing for the collection of revenue and to repeal section 1 of said act.

Respectfully,

B. F. POTTS, *Governor.*

H. B. No. 56, toll roads, read first and second times and referred to the Committee on Roads and Highways.

H. B. No. 25, in relation to the penitentiary, read first and second times and laid on the table.

H. B. No. 60, Bozeman fire law, read first and second times and referred to a select committee of one, consisting of Davis.

H. B. No. 63, in relation to joint debtors, read first and second times and referred to Judiciary Committee.

H. B. No. 65, to amend revenue law, read first and second times, rules suspended, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Maillet, Newcomer, Stuart, Walker and Yager—12.

*Noes*—Mr. President—1.

Title agreed to.

H. B. No. 61, licenses on telegraph companies, read the third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Maillet, Newcomer, Walker, Yager and Mr. President—12.

*Noes*—Stuart—1.

Title amended and agreed to.

H. B. No. 43, fence law, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-Maillet, Newcomer, Stuart, Walker and Yager—12.

*Noes*—Mr. President—1.

Title amended and agreed to.

Arick, from Committee on Territorial Affairs, reported back C. B. No. 51, relating to the penitentiary, recommending its passage.

Rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Noes*—Garrigan—1.

Title agreed to.

Also, C. B. No. 53, defining the duties of Territorial Auditor, recommending its passage.

Rules suspended, considered engrossed, read third time.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

C. B. No. 17, an act to provide for the collection of statistics, ordered enrolled.

Beattie, from Special Committee to report what, if any, legislation is necessary to provide for the care of the insane, reported by bill, and introduced C. B. No. 59, to provide for the care and maintenance of the insane.

Read first and second times and referred to the Committee of the Whole.

Davis, from Committee on Towns and Counties, reported back H. B. No. 47, in relation to change of county seats, recommending that it do not pass.

Read third time and lost by the following vote :

*Ayes*—Arick, Beattie, Garrigan, Newcomer, Walker and Mr. President—6.

*Noes*—Barber, Cooper, Dance, Davis, Maillet, Stuart and Yager—7.

H. B. No. 13, boundary of Choteau county, read first and second times, and referred to the Committee on Towns and Counties.

Garrigan, from the Committee on Engrossment, reported C. B. No. 47, to amend chapter 50 of the general laws, correctly engrossed.

Read third time and passed by the following vote :

*Ayes* — Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

Council went into Committee of the Whole on H. B. No. 35, apportionment bill. Arick in the chair.

Council resumed. Mr. President in the chair.

Newcomer introduced C. B. No. 60, in relation to certificates of sheriff's sales, read first and second times and referred to Judiciary Committee.

Barber introduced C. C. R. No. 8, to pay experts.

Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

Arick, from Committee of the Whole, reported back H. B. No. 35, with amendments.

Amendments adopted, and ordered engrossed.

Council went into Committee of the Whole on C. B. No. 59, in relation to the care of the insane. Newcomer in the chair.

Council resumed. Mr. President in the chair.

Barber, from Joint Committee on Enrollment, reported C. C. R. No. 6 and H. B. No. 65 correctly enrolled.

Mr. President announced that he had just signed C. C. R. No. 6 and H. B. No. 65.

Beattie introduced C. B. No. 61, to provide for a special fire tax in Helena.

Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Beattie, Cooper, Davis, Garrigan, Newcomer, Stuart, Walker, Yager and Mr. President—10.

*Noes*—None.

Absent—Barber (on duty)—1.

Absent—Dance and Maillet—2.

Title agreed to.

Arick, from Judiciary Committee, reported C. B. No. 55, to amend certain sections of the civil practice act, recommending it do pass.

Rules suspended, considered engrossed, read third time and passed by the following vote :

*Ayes*—Arick, Beattie, Cooper, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—11.

*Noes*—None.

Absent on duty—Barber—1.

Absent—Dance—1.

Title agreed to.

Newcomer, from the Committee of the Whole, reported C. B. No. 59, with amendments.

Amendments adopted, further amended, and ordered engrossed.

Arick, from Judiciary Committee, reported back H. B. No. 63, in relation to joint debtors, recommending it do pass.

Rules suspended, read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

Maillet, from Joint Committee on Enrollment, reported H. B. No. 23 correctly enrolled.



Mr. President announced that he had just signed H. B. No. 23 and H. C. R. No. 1.

A communication was received from the House, through chief clerk Barrett, as follows.

HOUSE OF REPRESENTATIVES, }  
February 10, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That H. B. No. 71, An Act defining certain offences therein named and providing a punishment therefor, was passed.

Respectfully,  
BARRETT, *Chief Clerk.*

H. B. No. 71, to punish certain offences, read first and second times and referred to Committee on Elections.

Barber, from Joint Committee on Enrollment, reported C. C. R. No. 6 presented to the Governor for his approval at 3:5 p. m. this day.

Newcomer, from Committee on Federal Relations, reported back H. J. M. No. 4, recommending it do pass.

Rules suspended, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. President—13.

*Nays*—None.

Title agreed to.

On motion of Beattie, H. B. No. 9, concerning licenses, was taken from the table, and, on motion of Newcomer, the

Council went into Committee of the Whole to consider the same. Newcomer in the chair.

Council resumed. Mr. President in the chair.

Newcomer, from Committee of the Whole, reported back H. B. No. 9, recommending it do not pass.

A communication was received from the House, through chief clerk Barrett.

Council took a recess until 7 o'clock p. m.

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7 o'clock p. m.—Council resumed. Mr. President in the chair.

Roll called—all present.

Barber, from Joint Committee on Enrollment, reported C. Bs. Nos. 17 and 29 correctly enrolled.

Mr. President announced that he had just signed H. B. No. 65 and C. Bs. Nos. 17 and 29.

Council concurred in House amendments to C. C. R. No. 5, and it was ordered enrolled.

Garrigan, from Committee on Elections, presented a majority report with H. B. No. 71, recommending it do pass.

The bill was re-committed to the Committee on Elections.

Garrigan, from Committee on Engrossment, reported Council amendments to H. B. No. 35 correctly engrossed.

Read third time and passed by the following vote:

*Ayes*—Arick, Beattie, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart and Walker—9.

*Noes*—Barber, Cooper, Yager and Mr. President—4.

Title agreed to.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,  
*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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### THIRTY-EIGHTH DAY.

FEBRUARY 11, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Newcomer, from Committee on Roads and Highways, reported back H. B. No. 56, with majority and minority reports; reports received and bill made special order for 2:03 o'clock P. M. this day.

Barber, from Joint Committee on Enrollment, reported H. Bs. Nos. 43 and 61 correctly enrolled.

Davis, from Committee on Towns and Counties, reported back H. B. No. 13, to amend section 9, chapter 20, of general laws, recommending its passage ; read third time, and recommended and referred to a special committee, consisting of the Deer Lodge, Lewis and Clark, and Meagher county delegations.

Arick, from Judiciary Committee, reported back C. B. No. 56, with the recommendation it do pass ; read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

Also, C. B. No. 46, with amendments ; amendments adopted and ordered engrossed.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES, }  
February 11, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House concurred in Council amendments to H. Bs. Nos. 43 and 61.

That H. J. M. No. 5 was lost in the House.

That H. Bs. Nos. 21, 66, and 73 have passed the House.

That H. J. M. No. 9 was lost in the House.

Respectfully,

BARRETT, *Chief Clerk.*

Dance, from Committee of Ways and Means, reported back H. J. R. No. 4, recommending it do pass ; read third time, and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Walker, Yager, Mr. President—12.

*Noes*—Stuart—1.

Title agreed to.

Also, C. C. R. No. 7, without recommendation.

Garrigan, from Committee on Elections, reported back H. B. No. 71, recommending its passage; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

Davis, from Select Committee, to whom was referred H. B. No. 60, Bozeman fire bill, without recommendation; read third time, amended, and passed as amended by the following vote:

*Ayes*—Arick, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—12.

*Noes*—None.

Absent on duty—Barber—1.

Title agreed to.

Newcomer, under leave, without previous notice, introduced C. B. No. 62, authorizing the county commissioners of Deer Lodge to remove certain cemeteries; read first and second

times, rules suspended, considered engrossed ; read third time, and passed by the following vote :

*Ayes*—Arick, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Walker, Yager, Mr. President—11.

*Noes*—None.

Absent on duty—Barber, Stuart—2.

Title agreed to.

Davis, on leave, without previous notice, introduced C. B. No. 63, to authorize the county commissioners of Gallatin to appoint a fire warden, etc. ; read first and second times, rules suspended, considered engrossed ; read third time, and passed by the following vote :

*Ayes*—Arick, Beattie, Dance, Davis, Garrigan, Maillet, Newcomer, Walker, Yager, Mr. President—10.

*Noes*—Cooper—1.

Absent on duty—Barber, Stuart—2.

Title agreed to.

H. B. No. 21, relating to service of summons from probate courts, read first and second times, and referred to the Judiciary Committee.

H. B. No. 40, round-up bill ; read first and second times, and referred to Committee on Agriculture and Manufactures.

H. B. No. 66, to amend license law ; read first and second times, and referred to Committee of Ways and Means.

H. B. No. 73, to amend civil practice act ; read first and second times, and referred to Judiciary Committee.

A communication was received from the House, through Chief Clerk Barrett, as follows :



HOUSE OF REPRESENTATIVES, }  
February 11, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House disagree to Council amendments to H. B. No. 35, and ask a conference committee.

That the House have appointed Messrs. Kennedy and O'Keefe, of Missoula, and Aiken and Kerley, of Deer Lodge, said committee on the part of the House.

Respectfully,  
BARRETT, *Chief Clerk.*

The House having refused to concur in Council amendments, H. B. No. 35, apportionment bill, and asked a conference committee, on motion of Stuart, a committee was appointed on the part of the Council, consisting of Stuart, Yager, Davis, and Newcomer, to confer with the like committee of the House in relation to the disagreement.

H. B. No. 9, in relation to the disposal of license taxes; read third time and laid on the table.

Barber, from Joint Committee on Enrollment, reported C. Bs. Nos. 21, 22, C. C. R. No. 5, and C. J. R. No. 2, correctly enrolled.

Mr. President announced that he had just signed C. Bs. Nos. 21, 22, C. C. R. No. 5, and C. J. R. No. 2.

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway.

Mr. President announced that he had a communication from His Excellency, the Governor, which, in his judgment, required consideration in Executive Session.

Council went into Executive Session.

Council resumed. Mr. President in the chair.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Arick, from Judiciary Committee, reported back H. B. No. 3, in relation to surplus moneys in county treasuries, with amendments; amendments adopted, and ordered engrossed.

Also, H. B. No. 48, to provide for the support of illegitimate children, recommending it be referred to Committee of the Whole; report adopted, and bill so referred.

Also, H. B. No. 46, in relation to official bonds, with amendments; amendments adopted, and ordered engrossed.

Also, H. B. No. 29, in relation to the qualifications of electors, with amendments; report laid on the table by the following vote:

*Ayes*—Barber, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Yager, Mr. President—9.

*Noes*—Arick, Beattie, Stuart, Walker—4.

Stuart, from the Conference Committee, to whom was referred H. B. No. 35, apportionment bill, recommending that Council recede from its amendments; report adopted, and the Council receded from its amendments.

Barber, from Joint Committee on Enrollment, reported H. Bs. Nos. 63 and 71, H. J. M. No. 4, and H. J. R. No. 4, correctly enrolled.

Mr. President announced that he had just signed H. Bs Nos. 43, 61, 63, and 71, H. J. M. No. 4, and H. J. R. No. 4.

Newcomer, from Committee on Federal Relations, reported back H. J. M. No. 3, without recommendation.

Beattie, on leave, without previous notice, introduced C. C. R. No. 9, to pay Fisk Brothers for papers furnished members at this session; read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:

*Ayes* — Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—13.

*Noes*—None.

Title agreed to.

Council went into Committee of the Whole on the special order, Arick in the chair.

Council resumed. Mr. President in the chair.

A communication was received from the House, through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES, }  
February 11, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body that the House concurs in Council amendments to Council amendments to H. B. No. 37.

Respectfully,

BARRETT, *Chief Clerk.*

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway.

Mr. President announced that he had in his possession a

communication from His Excellency, the Governor, that, in his judgment, required consideration in Executive Session.

Council went into Executive Session.

Council resumed. Mr. President in the chair.

Council took a recess until 7 o'clock P. M.

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7 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Arick, from Judiciary Committee, reported back H. B. No. 73, to amend civil practice act, recommending its passage read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Maillet, Stuart, Walker, Mr. President—9.

*Noes*—Cooper, Dance, Newcomer, Yager—4.

Arick, from Committee of the Whole, reported back H. B. No. 56, with amendments; report laid on the table.

Newcomer, from Committee on Mines and Minerals, reported back H. B. No. 22, making sheriffs ex-officio county treasurers, recommending it be indefinitely postponed; report adopted, and bill indefinitely postponed.

Garrigan, from Committee on Engrossment, reported back H. B. No. 46, in relation to official bonds, with Council amendments, correctly engrossed.

Also, H. B. No. 3, to dispose of surplus funds in county treasuries, with Council amendments, correctly engrossed; read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

Yager gave notice of a bill to aid the Virginia City and National Park wagon road.

Garrigan, from Committee on Engrossment, reported C. B. No. 46, to provide for and regulate the charges for the publication of legal documents, correctly engrossed.

H. J. M. No. 3, motion of Newcomer to lay on the table, lost by the following vote:

*Ayes*—Maillet, Newcomer, Mr. President—3.

*Noes* — Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Stuart, Walker, Yager—10.

Read third time, and passed by the following vote:

*Ayes*—Arick, Barber, Cooper, Davis, Garrigan, Maillet, Walker—7.

*Noes*—Beattie, Dance, Newcomer, Stuart, Mr. President—5.

Absent—Yager—1.

Title agreed to.

H. B. No. 13, to change the boundaries of Choteau county;

read third time, and further consideration postponed until to-morrow.

Council adjourned till to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest:

A. M. S. CARPENTER, *Chief Clerk.*

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### THIRTY-NINTH DAY.

FEBRUARY 12, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called — all present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway :

Mr. President announced that he had in his possession a communication from the Governor, which in his judgment required consideration in executive session.

Council went into executive session.

Council resumed. Mr. President in the chair.



Barber, from Joint Committee on Enrollment, reported H. Bs. Nos. 35, 37 and 60 correctly enrolled.

Mr. President announced that he had just signed H. Bs. Nos. 35, 37 and 60.

Cooper, from the Committee on Agriculture and Manufactures, reported back H. B. No. 40, round up bill, recommending it do pass. Read third time and passed by the following vote:

*Ayes*—Arick, Barber, Cooper, Garrigan, Maillet, Stuart, Walker, Yager, Mr. President—9.

*Noes*—Beattie, Dance, Newcomer—3.

Excused from voting—Davis—1.

Title agreed to.

Dance, from the Committee on Ways and Means, reported back H. B. No. 66, recommending it do not pass.

Arick gave notice of a bill to enable the people of the Territory of Montana to aid in the construction of a railroad.

The following bills were introduced:

Beattie, on leave, without previous notice, introduced C. B. No. 64, in relation to the funded debt of Lewis and Clarke county. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker Yager, Mr. President—12.

*Noes*—Dance—1.

Title agreed to.

By Yager: C. B. No. 65, to make an appropriation to aid in the construction of the Virginia City and National Park wagon road. Read first and second times and referred to the Committee of Ways and Means.

Davis, on leave, without previous notice, introduced C. C. R. No. 10, in relation to a *sine die* adjournment. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Mr. President—11.

*Noes*—Beattie—1.

Absent—Yager—1.

Title agreed to.

A communication was received from the House through Chief Clerk Barrett, as follows:

FEBRUARY 12, 1874.

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That H. Bs. Nos. 62 and 69 passed the House.

That C. B. No. 49 and C. B. 11 were lost in the House.

That C. Bs. Nos. 4 and 25 were indefinitely postponed.

That C. B. No. 35 was amended and passed.

House concurred in Council amendments to H. B. No. 3.

Respectfully,

A. H. BARRETT, *Chief Clerk*.

Council concurred in House amendments to C. B. No. 35, and the bill ordered enrolled.

H. B. No. 13, boundaries of Choteau county, lost by the following vote :

*Ayes*—Arick, Beattie, Garrigan, Stewart and Walker—5.

*Noes*—Barber, Cooper, Dance, Davis, Maillet, Newcomer, Yager and Mr. President—8.

Newcomer, on leave, without previous notice, introduced C. C. R. No. 11, in relation to the publication of reports of Superintendent of Public Instruction. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

H. B. No. 29, in relation to the qualification of voters. Read third time.

Beattie moved to recommit with instructions to strike out the word "male" wherever it occurs in the bill, which motion was lost by the following vote :

*Ayes*—Arick, Beattie, Dance, Newcomer, Walker—5.

*Noes*—Barber, Cooper, Davis, Garrigan, Maillet, Stuart, Yager, Mr. President—8.

Bill passed by the following vote :

*Ayes*—Barber, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Yager, Mr. President—10.

*Noes*—Arick, Beattie, Walker—3.

Title agreed to.

Dance gave notice of a bill to regulate the price of walnuts.

Maillet, under leave, without previous notice, introduced C. C. R. No. 12, to provide for the publishing of the laws of this session. Read first and second times and referred to the Judiciary Committee.

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Callaway, as follows:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Feb. 11, 1874. }

*To the Council:*

I have the honor to inform the Council that I have this day approved C. J. R. No. 2, in relation to the publication of the report of the Directors of the Montana Penitentiary.

Also, on the same day, I approved C. B. No. 21, entitled An Act authorizing the County Commissioners of Deer Lodge county to levy a special tax for the purpose of buying and building bridges.

Respectfully,

B. F. POTTS, *Governor.*

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Maillet was excused from attendance this P. M. on account of illness.

Yager, from the Committee of Ways and Means, reported back C. B. No. 65, to appropriate money to the Virginia City and National Park wagon road, with a substitute. Substitute adopted, read third time and lost by the following vote :

*Ayes*—Beattie, Newcomer—2.

*Noes*—Arick, Barber, Cooper, Davis, Garrigan, Stuart, Walker, Yager, Mr. President—9.

Absent—(Excused) Maillet—1.

Absent—Dance—1.

Barber, from the Joint Committee on Enrollment, reported C. B. No. 35, to amend the criminal law, correctly enrolled.

Mr. President announced that he had just signed C. B. No. 35.

Davis moved a reconsideration of the vote by which H. B. No. 13 was lost, which motion was lost by the following vote :

*Ayes*—Arick, Beattie, Davis, Garrigan, Yager—5.

*Noes*—Barber, Cooper, Dance, Newcomer, Stuart, Walker, Mr. President—7.

Absent—(Excused) Dance, Maillet—2.

A communication was received from the House through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES,  
February 12, 1874. }

MR. PRESIDENT—I am instructed to inform your honorable body :

That Sanders introduced H. B. No. 76, An Act to curtail certain expenses.

That C. Bs. Nos. 47, 56 and 61 have passed the House.

That the House concurred in Council amendments to H. B. No. 3.

Respectfully,

A. H. BARRETT, *Chief Clerk.*

H. B. No. 62, charter for the town of Bozeman. Read first and second times, rules suspended, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Newcomer, Stuart, Walker, Yager, Mr. President—11.

Absent—(Excused) Dance, Maillet—2.

Title agreed to.

H. B. No. 69, taxation of jury fees. Read first and second times and referred to Judiciary Committee.

H. B. No. 46, in relation to official bonds. Read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Newcomer, Stuart, Walker, Yager, Mr. President—12.

Absent—(Excused) Maillet—1.

Title agreed to.

H. B. No. 56, toll roads. Read third time, and passed by the following vote:

*Ayes*—Arick, Beattie, Cooper, Dance, Davis, Garrigan, Stuart, Walker—8.

*Noes*—Mr. President—1.

Absent—(Excused) Maillet—1.

Absent—Newcomer—1.

Absent—(On duty—Barber—1.



Title agreed to.

H. B. No. 66, to amend license law. Read third time and lost by the following vote:

*Ayes*—Arick, Barber, Beattie, Davis, Walker—5.

*Noes*—Cooper, Dance, Garrigan, Newcomer, Stuart, Yager, Mr. President—7.

Absent—(Excused) Maillet—1.

A communication was received from the House, through Chief Clerk Barrett, as follows:

HOUSE OF REPRESENTATIVES, }  
February 12, 1874. }

MR. PRESIDENT—I am instructed by the House to inform your honorable body:

That the House has passed H. B. No. 58, H. J. M. No. 6, and H. B. No. 55.

Also, C. B. 33 with amendments.

That H. B. No. 67 was indefinitely postponed.

C. B. No. 54 and H. B. 74 were passed.

C. B. No. 45 was indefinitely postponed.

That C. B. No. 50 was passed with amendments.

Respectfully,

BARRETT, *Chief Clerk.*

C. C. R. No. 7, making an appropriation to the Muscleshell wagon road, on motion of Davis was indefinitely postponed by the following vote:

*Ayes*—Arick, Dance, Davis, Garrigan, Stuart, Walker, Mr. President—7.

*Noes*—Barber, Beattie, Cooper, Newcomer, Yager—5.

Absent, excused—Maillet—1.

Barber, from Joint Committee on Enrollment, reported C. B. No. 47 correctly enrolled.

Council took a recess until 7 o'clock P. M.

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7 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Barber, from the Joint Committee on Enrollment, reported C. Bs. Nos. 56, 61, 62, and C. C. R. No. 8 correctly enrolled.

Mr. President announced that he had just signed C. Bs. Nos. 47, 56, 61, 62, and C. C. R. No. 8.

H. B. No. 42, mechanics' liens, read first and second times and referred to Judiciary Committee.

Arick, from Judiciary Committee, reported back C. B. No. 14, relating to the settlement of small estates, recommending its passage. Rules suspended, considered engrossed, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. President—13.

*Noes*—None.

Title agreed to.

C. B. No. 46, regulating the charges for publication of legal notices, read third time and passed by the following vote :

*Ayes*—Barber, Cooper, Dance, Davis, Garrigan, Newcomer, Stuart, Walker, Yager, Mr. President—10.

*Noes*—Arick, Beattie, Maillet—3.

Title agreed to.

A communication was received from the House, through Chief Clerk Barrett, as follows :

HOUSE OF REPRESENTATIVES,  
February 12, 1874. }

MR. PRESIDENT—I am instructed to inform your honorable body that H. B. No. 42, C. B. No. 62, C. C. R. No. 8, have passed the House.

Respectfully,

BARRETT, *Chief Clerk*.

C. B. No. 33, school law, having been returned from the House with amendments, the Council concurred therein, and the bill was ordered enrolled.

C. B. No. 50 having been returned from the House with amendments, the Council concurred therein, and the bill was ordered enrolled.

Council went into Committee of the Whole to consider H. B. No. 48, to provide for the support of illegitimate children, Newcomer in the chair.

Council resumed. Mr. President in the chair.

H. B. No. 68, fixing the time for future meetings of the Legislative Assembly, read first and second times and referred to the Judiciary Committee.

Newcomer, from Committee of the Whole reported back H. B. No. 48, with the recommendadion that it do pass. Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Davis, Garrigan, Stuart, Walker—7.

*Nays*—Cooper, Dance, Maillet, Newcomer, Mr. President—5.

Absent—Yager—1.

Title agreed to.

H. J. M. No. 6, read first and second times, rules suspended, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Cooper, Dance, Davis, Maillet, Newcomer, Stuart, Walker, Mr. President—10.

*Noes*—None.

Absent—Beattie, Garrigan, Yager—3.

Title agreed to.

H. B. No. 55, to amend act relating to marks and brands, read first and second times and referred to Committee on Agriculture and Manufactures.

H. B. No. 74, to encourage manufactures, read first and second times and referred to the Committee of Ways and Means.

Council adjourned until to-morrow morning at 10 o'clock.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

## FORTIETH DAY.

FEBRUARY 13, 1874.

Council met pursuant to adjournment. Mr. President in the chair.

Roll called—all present.

Journal of yesterday read and approved.

Barber, from Joint Committee on Enrollment, reported C. Bs. Nos. 50 and 54 correctly enrolled.

Mr. President announced that he had just signed C. Bs. Nos. 47, 50, and 54.

Dance, from the Committee of Ways and Means, reported back H. B. No. 74, to encourage manufactures, recommending it be referred to Committee of the Whole.

Bill so referred.

Arick, from Judiciary Committee, reported back H. B. No. 42, recommending its passage.

Read third time and passed by the following vote:

*Ayes*—Arick, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Nays*—None.

Absent on duty—Barber—1.

Title agreed to.

Also, H. B. No. 58, fixing the time of the meeting of the Legislative Assembly, without recommendation.

Read third time and lost by the following vote :

*Ayes*—Arick, Beattie, Garrigan, Walker and Mr. President—5.

*Noes* — Cooper, Dance, Davis, Maillet, Newcomer, Stuart and Yager—7.

Absent on duty—Barber—1.

Newcomer, from the Committee on Roads and Highways, reported C. B. No. 38, recommending it be laid on the table.

Report adopted, and the bill was laid on the table.

Newcomer, from the Select Committee to whom was referred the memorial relating to the Washington National Monument, reported by bill, and introduced C. B. No. 66, making an appropriation toward the completion of the Washington Monument.

Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote :

*Ayes* — Arick, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Noes*—None.

Absent on duty—Barber—1.

Title agreed to.

Council went into Committee of the Whole to consider H. B. No. 74, manufactures. Yager in the chair.

Council resumed. Mr. President in the chair.



A communication was received from the House, through chief clerk Barrett.

Barber, from the Joint Committee on Enrollment, reported H. Bs. Nos. 3, 29, 40, 46, 48, 56 and 73, and H. J. Ms. Nos. 3 and 6, correctly enrolled.

Mr. President announced that he had just signed H. Bs. Nos. 3, 29, 40, 46, 48, 56 and 73, and H. J. Ms. Nos. 3 and 6.

Barber, from Joint Committee on Enrollment, reported C. B. No. 35 presented to the Governor for his approval at 3 o'clock P. M. February 12, 1874. Also, C. Bs. Nos. 47, 50, 54, 56, 61 and 62, and C. C. R. No. 8, presented to the Governor for his approval at 11 o'clock A. M. this day.

Communications were received from His Excellency the Governor, through his private secretary, Dr. Callaway, as follows :

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Feb. 12, 1874. }

*To the Council:*

I have the honor to inform the Council, that I have, this day, approved C. B. No. 17, entitled An Act to provide for the collection of statistics.

Also, on the same day, I approved C. B. No. 22, entitled An Act in relation to roads and highways.

Also, on the same day, I approved C. B. No. 35, entitled An Act to amend section 422 of criminal practice act, passed January 12, 1872.

Also, on the same day, I approved C. J. R. No. 6, in relation to printing.

Also, on the same day, I approved C. J. R. No. 5, in relation to printing.

Respectfully,

B. F. POTTS, *Governor*.

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, Feb. 13, 1874. }

*To the Legislative Assembly:*

I desire to again call your attention to the importance of making an appropriation to defray the expenses of placing Montana on an equal footing with the other territories at the centennial celebration in 1876.

The question is with you, Whether Montana shall be known in the celebration?

If the resources of Montana are properly represented, it will do more to make her wealth known to the world, and attract capital and immigrants, than anything else that is in the power of the legislature to do.

I respectfully request that you take favorable action on the subject.

Respectfully,

B. F. POTTS, *Governor*.

H. C. R. No. 2, making an appropriation to represent the territory in the centennial exhibition, was read first and second times, rules suspended, read the third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager and Mr. President—12.

*Noes*—Cooper—1.

Title agreed to.

Yager, from the Committee of Whole, reported back H. B. No. 74, with amendments.

Amendments adopted, considered engrossed, read third time and lost by the following vote :

*Ayes*—Dance, Davis, Stuart, Yager and Mr. President—5.

*Noes*—Arick, Barber, Beattie, Cooper, Garrigan, Maillet, Newcomer and Walker—8.

C. B. No. 53, duties of Territorial Auditor, amended, read third time and passed by the following vote :

*Ayes* — Arick, Barber, Beattie, Dance, Davis, Garrigan, Maillet, Walker and Yager—9.

*Noes*—Cooper, Newcomer, Stuart and Mr. President—4.

Title agreed to.

A communication was received from the House, through chief clerk Barrett.

Garrigan, from Committee on Engrossment, reported C. B. No. 59, to provide for the care of the insane, correctly engrossed.

Read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, and Mr. President—13.

*Noes*—None.

Title agreed to.

C. B. No. 66 ordered enrolled.

H. B. No. 77, to amend charter of Virginia City, read first and second times, rules suspended, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Davis, Garrigan, Maillet, Newcomer, Walker, Yager, Mr. President—11.

*Noes*—None.

Absent—Dance, Stuart—2.

Title agreed to.

Arick, from the Committee on Territorial Affairs, reported concerning the communication of His Excellency the Governor relating to pardons, that the same had been worthily exercised.

Report adopted.

Newcomer, from Select Committee to whom was referred the memorial relating to the Centennial celebration, reported that all needed legislation had been already had.

Report adopted.

Council took a recess until 2 o'clock P. M.

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2 o'clock P. M.—Council resumed. Arick in the chair.

Roll called—no quorum.

Call of the Council ordered.

Sergeant-at-Arms directed to bring in the absentees.

Absentees reported in their seats. Mr. President in the chair.

Further call dispensed with.

Arick, from Judiciary Committee, reported back C. B. No. 34, an act in relation to prisoners; C. B. No. 57, an act in relation to game and fish; H. B. No. 21, in relation to summons in probate court; H. B. No. 69, in relation to jury fees; H. B. No. 51, in relation to pay of U. S. Marshal; H. B. No. 28, in relation to witness and jury fees; C. B. No. 30, in relation to Choteau, Big Horn and Dawson counties; C. B. No. 28, in relation to criminals; C. C. R. No. 12, and C. B. No. 20, with House amendments thereto, in relation to private seals, and deem the legislation therein proposed inexpedient, and recommend that the same lie on the table.

Report adopted and the bills laid on the table.

Cooper, from Committee on Agriculture, reported back H. B. No. 55, marks and brands, without recommendation.

Report accepted and bill laid on the table.

Council took a recess for fifteen minutes.

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Council resumed. Mr. President in the chair.

Roll called—all present.

Barber, from Joint Committee on Enrollment, reported H. B. No. 77 and H. C. R. No. 2, correctly enrolled.

Mr. President announced that he had just signed H. B. No. 77 and H. C. R. No. 2.

Arick introduced C. C. R. No. 13, in relation to the correction and distribution of the laws of the Eighth Session. Read first and second times, rules suspended, considered read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garrigan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. President—13.

*Noes*—None.

Title agreed to.

Council took a recess for half an hour.

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Council resumed. Mr President in the chair.

Roll called—all present.

A communication was received from the House through Chief Clerk Barrett.

Council concurred in House amendments to C. B. No. 44, and bill ordered enrolled.

Council concurred in House amendments to C. Bs. Nos. 7 and 26, and the bills were ordered enrolled.

C. Bs. Nos. 46, 41, 14, 59, 64 and 55 were ordered enrolled.

Barber, from Joint Committee on Enrollment, reported C. B. No. 63 correctly enrolled.

Mr. President announced that he had just signed C. B. No. 63.

A communication was received from His Excellency, the Governor, through his private secretary, Dr. Calaway, as follows:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, February 13, 1874. }

*To the Council:*

I have the honor to inform the Council that I have this day approved C. C. R. No. 8, without title.

Also, C. B. No. 50, entitled an act to amend an act to regulate proceedings in criminal cases in the courts of justice of Montana Territory, approved January 12, 1872.

Also, C. B. No. 54, entitled an act appropriating certain moneys in the sinking fund to defray the expenses of the Montana penitentiary.

Also, C. B. No. 61, entitled an act in relation to a fire tax in the town of Helena.

Also, C. B. No. 47, entitled an act to amend chapter 50 of the general and miscellaneous laws of Montana Territory.

Also, C. B. No. 56, entitled an act to amend sections 23 and 25 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

Also, C. B. No. 62, entitled an act to authorize the county commissioners of Deer Lodge county to remove the dead buried in the cemetery within the limits of Deer Lodge.

Respectfully,

B. F. POTTS, *Governor*.

H. B. No. 75, relating to a quartz mill in Beaverhead county, read first and second times, rules suspended, read third time and passed by the following vote:

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-  
gan, Newcomer, Stuart, Walker, Yager, Mr. President—12.



*Noes*—None.

Absent—Maillet—1.

Title agreed to.

H. B. No. 76, to curtail certain expenses, read first and second times, rules suspended, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Stuart, Walker, Yager, Mr. President—11.

*Noes*—Newcomer—1.

Absent—Maillet—1.

Title agreed to.

Newcomer, on leave without previous notice, introduced C. B. No. 67, in relation to terms of the probate courts. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Beattie, Cooper, Dance, Davis, Garri-gan, Maillet, Newcomer, Stuart, Walker, Yager, Mr. Presi-dent—13.

*Noes*—None.

Title agreed to.

Council took a recess until 7 o'clock P. M.

7 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

Council took a recess until 8 o'clock P. M.

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8 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—all present.

A communication was received from the House, through Chief Clerk Barrett.

Council concurred in House amendments to C. C. R. No. 13, and it was ordered enrolled.

C. C. R. No. 9, ordered enrolled.

Barber, from Joint Committee on Enrollment, reported H. Bs. Nos. 62, 75 and 76, and C. Bs. Nos. 56, 63, 43, 44, 33 and 55, correctly enrolled.

Mr. President announced that he had just signed H. Bs. Nos. 62, 75 and 76, and C. Bs. Nos. 33, 53, 55, 56, 46, 44 and 59.

Maillet introduced C. C. R. No. 14, relating to the publication of laws. Read first and second times, rules suspended, considered engrossed, read third time and passed by the following vote:

*Ayes*—Barber, Beattie, Cooper, Dance, Maillet, Newcomer, Walker, Yager, Mr. President—9.

Noes—Davis, Garrigan, Stuart—3.

Excused from voting—Arick—1.

Title agreed to.

H. B. No. 70, in relation to counties and county officers.  
Read first and second times.

Barber, from Joint Committee on Enrollment, reported C. Bs. Nos. 14, 46, 67, 7, and 51, and C. C. Rs. Nos. 9 and 13 correctly enrolled.

Mr. President announced that he had just signed C. Bs. Nos. 7, 14, 46, 51, 64 and 67, and C. C. Rs. Nos. 9 and 13.

A communication was received from the House, through Chief Clerk Barrett.

C. C. R. No. 10, *sine die* adjournment, amended in the House. Council refused to concur in the House amendments, and on motion of Newcomer, a committee of Conference, consisting of Newcomer, Davis and Maillet, was appointed to confer with a like committee from the House on the disagreement of the two Houses in relation thereto.

Newcomer, from special committee, reported back C. B. No. 48, recommending it be considered in Committee of the Whole.

Report adopted.

Council went into Committee of the Whole on C. B. No. 48. Newcomer in the chair.

Council resumed. Mr. President in the chair.

Newcomer, from Committee of the Whole, reported back C. B. No. 48, recommending its passage. Read third time and lost by the following vote:

*Ayes*—Arick, Dance, Maillet, Newcomer—4.

*Noes*—Barber, Beattie, Cooper, Davis, Garrigan, Stuart, Walker, Yager, Mr. President—9.

H. J. M. No. 5, read first and second times, rules suspended, read third time and passed by the following vote :

*Ayes*—Arick, Barber, Cooper, Dance, Stuart, Walker, Yager, Mr. President—8.

Absent on duty—Davis, Maillet, Newcomer—3.

Absent—Beattie, Garrigan—2.

*Noes*—None.

Title agreed to.

A communication was received from the House through Chief Clerk Barrett.

Barber, from the Joint Committee on Enrollment, reported C. Bs. Nos. 64, 33, 53, 51, 44, 26, 14, 7, 55, 59, 46 and 63, and C. C. Rs. Nos. 9 and 13 presented to the Governor for his approval at 9:10 o'clock p. m. this day.

Barber, from the Joint Committee on Enrollment, reported C. B. No. 67 presented to the Governor for his approval at 10 o'clock p. m. this day.

Council took a recess till 11:30 o'clock p. m.

11:30 o'clock P. M.—Council resumed. Mr. President in the chair.

Roll called—Quorum present.

Arick offered the following resolution, which was adopted :

*Resolved*, That the thanks of the Council are hereby tendered to His Excellency B. F. Potts, for the uniform courtesy with which he has performed his official duties and conducted his official intercourse with this body.

H. B. No. 70 : Rules suspended, read third time and passed by the following vote :

*Ayes* — Arick, Barber, Beattie, Cooper, Dance, Davis, Gargan, Maillet, Newcomer, Walker, Yager and Mr. President—12.

Absent—Stuart—1.

Title agreed to.

Beattie offered the following resolution, which was adopted :

*Resolved*, That the most sincere thanks of the Council are due and are hereby tendered to Hon. G. W. Stapleton, for the ability, impartiality and uniform courtesy with which he has presided over the deliberations of this body during the present session.

A communication was received from His Excellency the Governor, through his private secretary, Dr. Callaway, as follows:

TERRITORY OF MONTANA,  
EXECUTIVE DEPARTMENT,  
VIRGINIA CITY, February 13, 1874. }

*To the Council:*

I have the honor to inform the Council that I have this day approved C. B. No. 63, entitled An Act to authorize the Commissioners of Gallatin county to appoint a Fire Warden in the town of Bozeman, and for other purposes.

Also, C. B. No. 46, entitled An Act to provide for and regulate the rates of charges for the publication of legal documents.

Also, C. B. No. 59, entitled An Act to provide for the custody, maintenance and treatment of the insane.

Also, C. B. No. 67, entitled An Act to provide for the holding of terms of the probate courts for probate business.

Also, C. B. No. 14, entitled An Act to provide for the more speedy settlement of small estates.

Also, C. B. No. 64, entitled An Act to provide for the redemption of the funded debt of Lewis and Clark county.

Also, C. C. R. No. 9, without title.

Also, C. B. No. —, An Act to amend sections 56, 139, 140, 155 and 156 of An Act to regulate proceedings in civil cases in courts of justice of the Territory of Montana, approved January 12, 1872.

Also, C. B. No. 7, entitled An Act concerning rights of way and easement, and other necessary means for the development of mines.

Also, C. B. No. 26, entitled An Act to amend section 7 of chapter 20 of an act concerning counties and county boundaries.

Also, C. B. No. 51, entitled An Act to amend an act entitled an act to regulate and govern the Montana Penitentiary, approved May 8, 1873.

Also, C. B. No. 53, entitled An Act defining the duties of the Territorial Auditor.

Also, C. J. R. No. 13, in relation to correction and distribution of the laws.

Also, C. B. No. 33, entitled An Act to provide for a system of common schools.

Also, C. B. No. 44, entitled An Act to provide for the education of deaf mutes and blind children.

Respectfully,

B. F. POTTS, *Governor.*

Newcomer offered the following resolution, which was adopted :

*Resolved*, By the Council, that the thanks of the Council are hereby tendered to Father Kelleher for his services as Chaplain of the Council.

Cooper offered the following resolution, which was adopted :

*Resolved*, By the Legislative Council of the Territory of Montana, that the thanks of the Council are hereby tendered to the Chief Clerk, A. M. S. Carpenter, for his efficient, untiring, and constant services; also to the Enrolling, Engrossing, and Assistant Clerks, the Sergeant-at-Arms, Doorkeeper, Fireman, and Page of the Council for the satisfactory discharge of their duties.

On motion of Newcomer, Newcomer, Walker, and Davis were appointed a Select Committee to wait upon the Governor and inquire if he has any further communication to make to the Council.



The committee subsequently made the following report, which was adopted :

MR. PRESIDENT—Your committee appointed to wait upon the Governor, beg leave to report that they have performed their duty, and the Governor has informed them that he has no further communications to make to the Council.

Beattie offered the following resolution, which was adopted :

*Resolved*, That the thanks of the Council are hereby cordially tendered to the Hon. James E. Callaway, Secretary of the Territory, for favors, courtesies, and kindnesses tendered to this body during the session.

Garrigan offered the following resolution, which was adopted :

*Resolved*, By the Council, that the thanks of this body are hereby tendered to the good people of the social city of Virginia for the uniform kindness with which they have treated us during this session.

Barber, from the Joint Committee on Enrollment, reported H. B. No. 70, and H. J. M. No. 5, correctly enrolled.

Mr. President announced that he had just signed H. B. No. 70, and H. J. M. No. 5.

The Journal of to-day was read and approved.

The hour of 12 o'clock, midnight, having arrived, the President declared the Council of the Eighth Legislative Assembly of the Territory of Montana adjourned *sine die*.

G. W. STAPLETON,

*President of the Council.*

Attest :

A. M. S. CARPENTER, *Chief Clerk.*

SECRETARY'S OFFICE,  
MONTANA TERRITORY,  
VIRGINA CITY, March 4, 1874. }

I, James E. Callaway, Secretary of the Territory of Montana, do hereby certify that the foregoing Journal of the Council of the Eighth Legislative Assembly of said Territory is a full and correct copy of the original Journal now in my office.

In testimony whereof I have hereunto set my  
[SEAL] hand, and affixed the seal of said Territory, the day  
and year above written.

JAMES E. CALLAWAY, *Secretary.*



